

**CITY OF TAFT
CITY COUNCIL REGULAR MEETING
AGENDA
DECEMBER 13, 2022
KIVA HUT – 402 PARK STREET
6:00 P.M.**

In accordance with Section 551.041 of the Local Government Code, notice is hereby given that a regular meeting of the City Council of the City of Taft will be held on the 13th day of December, 2022, at 6:00 p.m. at the Kiva Hut, 402 Park Street, Taft, Texas.

1. Call to order and quorum check
2. Invocation & Pledge of Allegiance
3. New Council Member Orientation Workshop – City Attorney Adolfo Ruiz, to cover mandated issues regarding open records, open meetings and ethics for newly elected/appointed council members.
4. Visitors - At this time, comments will be taken from the audience on any subject matter. To address the Council, please sign the Opinion/Speaker Registration Form located on the table at the entrance of the meeting room and deliver to the City Secretary before the meeting begins. Should there be more than five (5) people who wish to speak on a particular issue, they need to select one (1) representative to speak for them. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda. Citizens are to refrain from any personal attacks on the Council or any member of the staff. Failure to abide by these policies could result in a charge of disorderly conduct.
5. Discuss, Consider and Act, and to Approve Minutes of October 11, 2022, October 25, 2022, and November 22, 2022.
6. Discuss, Consider and Act on Resolution No. 665, on offer to purchase tax sale property: Suit No. S-15-1133TC; Taft Independent School District, San Patricio County and City of Taft vs. Jake Valdez, et al. Acct No. 78770; Lot 19, Block 4, Fourth Hidalgo Additions, an addition to San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 58, Map Records of San Patricio, Texas.
7. Discuss, Consider and Act on authorizing the City Manager to go out for Request for Professional Services for the Administration of GLO Grant Projects.
8. Discuss, Consider and Act on authorizing the City Manager to go out for Request for Professional Services for the Application and Administration of CDBG funding application and projects therein.
9. Discuss, Consider and Act on Scheduling a Public Hearing, Authorizing the Posting of same as provided for the necessary requirements of the CDBG 2023-2024 Application.
10. Discuss, Consider and Act on approving the Splash Pad to be constructed at Hidalgo Park and authorizing City Manager to execute all documents necessary.

11. Discuss and consider reports from Department Directors:

- Animal Control
- Public Works
- Code Enforcement
- Police Department
- Finance

12. Discuss and Review Ordinance regarding placement of political campaign signs on city property.

13. City Council Agenda Item Requests and Announcements

- Requests by Mayor and Councilmembers for items on future City Council agenda.

14. Adjournment

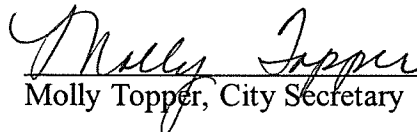
A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Texas Open Meetings Act - Section 551.071 Contemplated or pending litigation or matters where **legal advice** is requested of the City Attorney.
2. Texas Open Meetings Act - Section 551.072 The **purchase, exchange, lease or value or real property**, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person.
3. Texas Open Meetings Act - Section 551.073 A **contract for a prospective gift or donation** to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person.
4. Texas Open Meetings Act - Section 551.074 **Personnel matters** involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint against an officer or employee.
5. Texas Open Meetings Act - Section 551.076 The deployment or specific occasion for the implementation of **security personnel or devices**.
6. Texas Open Meetings Act - Section 551.087 Deliberations regarding **economic development negotiations**.

NOTICE

Persons with disabilities planning to attend this meeting who may need auxiliary aids or services are asked to contact the City offices at (361) 528-3512 by Monday noon.

DATED and POSTED this the 9th day of December 2022, at 5:00 p.m.


Molly Topper, City Secretary

Item #5

Minutes

MINUTES OF A REGULAR MEETING

On the 11th day of October, 2022, the City Council of Taft, Texas, convened in a regular meeting at 402 Park Street, at the Kiva Hut at 6:30 p.m. with the following members present:

Randy Powell	Mayor -- Absent
Rolando Rodriguez	Mayor Pro-Tem
Lolo Hernandez	
Leonard Vasquez	arrived at 6:46 p.m.

Others Present: Molly Topper, City Secretary; Bernie Saenz, Director of Public Works; Searcy; David Trevino, Jr.; Paul Fritsch; Matt Scott; Rosendo Cruz; Glen Searcy; Susan Zimmerman; Boo Persnoffsxy; Chip Woods; Raquel Ruvo; Anita Adams; Marcus Adams; Michael Vasquez; Al Molina

1. CALL TO ORDER AND QUORUM CHECK

There being a quorum, the meeting was called to order by Mayor Powell at 6:46 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Hernandez led the invocation and Pledge of Allegiance.

3. VISITORS

Susan Zimmerman, executive director for the Taft Blackland Museum, addressed the Council to thank them for the budget allowance. Also to invite all to the Centennial Celebration scheduled for February 4, 2023. They are presently accepting donations and making necessary improvements to the building for that date.

4. DISCUSS, CONSIDER AND ACT TO APPROVE THE MINUTES OF THE SPECIAL METINGS AND REGULAR MEETINGS ON SEPTEMBER 13, 2022, AND REGULAR MEETING ON SEPTEMBER 27, 2022.

Councilman Rodriguez asked for clarification on Item 12 of the Regular Meeting on September 13, 2022, whether the board of directors was TCEQ or TQIC. City Secretary confirmed the correction to be TQIC.

Councilman Hernandez motioned, seconded by Councilman Rodriguez, to appoint the minutes of the Special Meeting and the regular meeting on September 13, 2022, and the regular meeting on September 27, 2022, with that correction.

The following votes were polled:

Ayes: Rodriguez, Hernandez

Noes: Vasquez

Absent: Powell

The motion carried.

5. DISCUSSION AND CONSIDERATION ON PRESENTATION BY EXXON PRESENTATIVES

Paul Fritsch & Matt Scott introduced the company (Gulf Coast Ventures) and products in production. Mayor Pro-Tem Rodriguez informed them of the residents' concern of a recent dark cloud in the direction of Taft. They announced the placement of two air monitors within the City of Portland and that they are being monitored by a group from the University of Texas. To date, there have been no abnormal readings. Councilman Rodriguez asked about the possibility of placement of monitors closer to Taft; they advised that the distance to Taft is far enough from the plant and that Taft should not be affected. The recent smoke was actually flarings created by water droplets. The group advised of their participation with LEPC in case of needed alerts and that emergency information is on their website.

6. DISCUSSION AND CONSIDERATION ON PRESENTATON BY REPRESENTATIVES OF PERFORMANCE SERVICES, LLC

Chip Woods and Boo Persnoffsxy gave a power point presentation of their assessment study and replacement of utility water meters and improvements to the wastewater plant aeration system. Boo explained the current low plant capacity and as a result, the potential to receive outside waste and raise revenues.

7. CITY COUNCIL REQUESTS AND ANNOUNCEMENTS

Councilman Vasquez: none

Councilman Rodriguez: none

Councilman Hernandez: none

17. ADJOURNMENT

There being no further business Councilman Vasquez motioned, seconded by Councilman Hernandez, to adjourn the meeting at 8:03 p.m.

CITY OF TAFT

Randy Powell

Mayor

ATTEST:

Molly Topper

City Secretary

MINUTES OF A REGULAR MEETING

On the 25th day of October, 2022, the City Council of Taft, Texas, convened in a regular meeting at 1150 Gregory Street, at the R. L. Trevino Jr. High School Cafeteria, at 6:30 p.m. with the following members present:

Randy Powell	Mayor
Rolando Rodriguez	Mayor Pro-Tem
Lolo Hernandez	
Leonard Vasquez	absent

Others Present: Sid Arismendez, Interim City Manager; Molly Topper, City Secretary; Bernie Saenz, Director of Public Works

VISITORS:

Michael Vasquez, Taft Fire Dept	Jose G Garcia
Mayra Lozano	Josue Lozano-Cantu
Alonzo Molina	Raquel Ruvo

1. CALL TO ORDER AND QUORUM CHECK

There being a quorum, the meeting was called to order by Mayor Powell at 6:30 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Rodriguez led the invocation and Pledge of Allegiance.

3. VISITORS

There were no visitors requesting to address the Council.

4. DISCUSS, CONSIDER AND ACT ON SENDING OUT RFQs FOR ENGINEERING AND CONTRACTING FOR STORAGE TANK IMPROVEMENTS; WATER METER REPLACEMENT; PARK IMPROVEMENTS

Mr. Arismendez reported to Council the delay in receiving the anticipated Government Land Office (GLO) funds this year, and also reported the need to advertise and request for proposals for engineering and contract services for the elevated storage tank inspection and repairs. He reported that as a result of the delay, only the 93 non-working water meters will be replaced, instead of all 1500 of them. Bids will be solicited for the tennis and basketball court repairs, lighting and covered picnic areas at the Taft Recreational Park. Repairs to the Hidalgo Community Center and lighting at that park will be addressed, in addition to, repairs at the Kiva Hut. Councilman Rodriguez asked for consideration of a public water fountain at the Hidalgo Park and a public telephone at the Taft Recreational Park.

Mayor Powell motioned, seconded by Councilman Hernandez, to authorize the city manager to advertise for RFQs for engineering and contracting for storage tank improvements, water meter replacement and park improvements.

The following votes were polled:

Ayes: Rodriguez, Hernandez, Powell

Noes:

Absent: Vasquez

The motion carried.

5. DISCUSS, CONSIDER AND ACT ON STREET LIGHTING WITHIN THE CITY

Bernie Saenz reported to Council that there are 27 street lights along Davis Road. Of the 27, 14 are non-working, and 6 remain on all day. He has contacted AEP and a work order is being generated to repair them. Councilman Rodriguez asked about the possibility of additional lighting along Toland Avenue.

6. DISCUSS, CONSIDER AND ACT ON STREET LIGHTING AGREEMENT WITH AEP

Sid Arismendez reported that prior administration had not submitted the signed agreement and payment to AEP for the placement of lights at the Taft Recreational Park. AEP has agreed to honor the quoted price of lighting and send a new agreement for execution.

7. DISCUSS, CONSIDER AND ACT TO AUTHORIZE MAYOR RANDY POWELL AND INTERIM CITY MANAGER SID ARISMENDEZ TO ACT ON BEHALF OF THE CITY FOR THE PURCHASE OF THE WELLS FARGO BANK BUILDING LOCATED AT 230 GREEN AVENUE, TAFT, TEXAS

Mr. Arismendez reported that a survey of the location has been completed and the need for City Council meeting minutes authorizing the Mayor or Interim City Manager to act on behalf of the City in order to complete the purchase process.

Councilman Rodriguez motioned, seconded by Councilman Hernandez, to authorize Mayor Randy Powell and Interim City Manager Sid Arismendez to act on behalf of the City to purchase the Wells Fargo Bank building located at 230 Green Avenue, Taft, Texas.

The following votes were polled:

Ayes: Rodriguez, Hernandez, Powell

Noes:

Absent: Vasquez

The motion carried.

8. DISCUSS, CONSIDER AND ACT TO APPROVE THE HOLIDAY SCHEDULE FOR 2023; TO APPROVE HOLIDAY LEAVE FOR CITY EMPLOYEES AND TO AUTHORIZE CLOSURE OF CITY OFFICES FOR THOSE DAYS

Councilman Hernandez motioned, seconded by Councilman Rodriguez, to approve the 2023 Holiday Schedule, as presented with the corrected date of November 17th for Veteran's Day.

The following votes were polled:

Ayes: Rodriguez, Hernandez, Powell

Noes:

Absent: Vasquez

The motion carried.

9. DISCUSS, CONSIDER AND ACT ON BUDGET AMENDMENT REQUEST FROM TAFT VOLUNTEER FIRE DEPARTMENT

Michael Vasquez, assistant fire chief, reported the approved budget items for the FY 2022-2023, and gave an update of the needed fire equipment and vehicles to properly equip the Department and fire trucks and provide the needed emergency fire response to the Taft area. Mayor Powell asked if the trucks to be donated to the Department would be titled to the City or the Taft Volunteer Fire Department. The City would have to be owners in order for TML to insure the vehicles. Mr. Vasquez will confer with the Chief and report back to the City. Jose Moreno introduced himself as a recent resident of Taft and volunteer.

After much discussion, Councilman Rodriguez motioned, seconded by Councilman Hernandez, to amend the budget pending notification from the Taft Volunteer Fire Department whether they want to release the vehicles to the City of Taft's name, at the initial cost of \$34,000.

The following votes were polled:

Ayes: Rodriguez, Hernandez, Powell

Noes:

Absent: Vasquez

The motion carried.

10. CITY COUNCIL REQUESTS AND ANNOUNCEMENTS

Councilman Rodriguez: would like to see the cement street signs replaced with metal signs; asked for consideration of a public telephone near the walking trail at the Taft Recreational Park

Councilman Hernandez: commented on the success of the Taft Volunteer Fire Department's bingo events and suggested more advertisement, perhaps place notice on the Chamber of Commerce marquee

Mayor Powell: requested an update from Ardurra on the RFQs; next meeting to be held on 11/08/2022 at the R. L. Trevino Jr. High Cafeteria

Vasquez: Absent

11. CITY MANAGER REPORT

Interim City Manager reported the following:

- A small excavator has been ordered at a cost of \$75,000 and is scheduled for delivery on Thursday
- After several attempts, he has been unable to schedule a meeting with Rey de los Santos, Santos McBain Management Planning regarding City services and projects. The city attorney is currently reviewing the contract and will report on findings
- Peacock Energy is in the final stages of the right-of-way agreement

- Met with the city auditor he indicated that will likely have the FY 2021-2022 audit completed by February 2023
- Met with the city attorney and discussed the release of liability for house demolitions, ordinance abatement/condemnation
- Met with engineers and was advised of the need for an environmental study for GLO funded projects and inspection and improvements to the elevated water storage tank
- Expected to receive the \$3,000,000 loan funds this week
- Hope to close on the Wells Fargo building soon
- Will be receiving bids for improvements at the Hidalgo and Kiva community centers
- Halloween on Green scheduled for October 29th
- The City sponsorship of fireworks show at the homecoming football game was a big success. The Taft Volunteer Fire Department was on site to monitor and set off the fireworks
- One police officer resigned today. Chief Landreth will be accepting applications to fill the position
- Finally gained access to bank financial statements and will provide update at the 2nd meeting in November
- Councilman Rodriguez asked for the number of city manager applications. He would like to review them.

17. ADJOURNMENT

There being no further business Councilman Hernandez motioned, seconded by Councilman Rodriguez, to adjourn the meeting at 7:42 p.m.

CITY OF TAFT

Randy Powell, Mayor

ATTEST:

Molly Topper, City Secretary

MINUTES OF A REGULAR MEETING

On the 22nd day of November, 2022, the City Council of Taft, Texas, convened in a regular meeting at 402 Park Street, Kiva Hut, at 6:30 p.m. with the following members present:

Randy Powell	Mayor
Rolando Rodriguez	Mayor Pro-Tem
Lolo Hernandez	
Leonard Vasquez	

Others Present: Sid Arismendez, Interim City Manager; Molly Topper, Finance Director/City Secretary; Bernie Saenz, Director of Public Works

VISITORS:

Al & Judy Molina	Melanie Hickey	Steve Saucedo	Linda Watson
Rudy Mirabal	Amanda Powell	Rose Searcy	Georgina Silvas
Leslie Pullin	Ryan Smith	Chris Keeney	Karen Diaz

1. CALL TO ORDER AND QUORUM CHECK

There being a quorum, the meeting was called to order by Mayor Powell at 6:30 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Hernandez led the invocation and Pledge of Allegiance.

3. CONSIDER AND TAKE ACTION TO APPROVE ORDINANCE #1101, AN ORDINANCE OF THE CITY OF TAFT, TEXAS, TO CANVASS THE RETURNS AND DECLARE THE RESULTS OF THE GENERAL ELECTION HELD ON TUESDAY, NOVEMBER 8, 2022, FOR THE PURPOSE OF ELECTING ONE ALDERMAN FOR WARD ONE AND ONE ALDERMAN FOR WARD TWO FOR A TERM OF TWO YEARS.

Councilman Rodriguez motioned, seconded by Councilman Hernandez, to approve Ordinance No. 1101. The election results were:

Alderman - Ward One:	David Trevino	82
	Kathy Davis, (AKA) K. D.	53
	Leonard Vasquez	84
Alderman – Ward Two:	Raquel Torres-Ruvo	186
	Alonso Molina	232

The following votes were polled:

Ayes: Vasquez, Rodriguez, Hernandez, Powell
Noes: None

Absent: None
The motion carried.

4. SWEARING IN AND OATH OF NEWLY ELECTED OFFICIALS

Sid Arismendez swore in the newly elected Aldermen Alonso Molina and Leonard Vasquez after they executed a Statement of Officer.

At this time, Mayor Powell presented an award of service to exiting Councilman Lolo Hernandez for his many years of service to the City of Taft.

5. DISCUSS AND CONSIDER REPLACEMENT OF COUNCILMEMBER TO FILL THE VACANCY LEFT FOR THE POSITION OF THE OFFICE VACATED BY ALDERMAN JO ADRIAN VARA. ALLOW FOR INTERESTED INDIVIDUALS TO SPEAK TO COUNCIL.

Summer Garcia and Chris Keeney addressed the Council with their qualifications and aspirations of filling the vacated seat.

AT THIS TIME, 6:43 P.M. MAYOR POWELL MOTIONED TO CLOSE THE REGULAR MEETING TO CONVENE INTO EXECUTIVE SESSION, SECONDED BY COUNCILMAN MOLINA.

The following votes were polled:

Ayes: Molina, Powell
Noes: Vasquez, Rodriguez
Absent: None
The motion died.

6. (9.) DISCUSS, CONSIDER AND TAKE ACTION UPON APPOINTING A MEMBER OF THE CITY COUNCIL TO SERVE AS THE CITY'S MAYOR PRO-TEM FOR A TERM OF ONE YEAR PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 22.037.

Mayor Powell nominated Councilman Rodriguez, he accepted the nomination. Mayor Powell motioned to appoint Councilman Ronnie Rodriguez as the Mayor Pro-tem for a term of one year pursuant to Local Government Code Section 22.037, seconded by Councilman Molina.

The following votes were polled:

Ayes: Vasquez, Rodriguez, Molina, Powell
Noes: None
Absent: None
The motion carried.

7. (11.) DISCUSS, CONSIDER AND ACT ON OFFER TO PURCHASE TAX SALE PROPERTY (RESOLUTION NO. 664)

Steven Saucedo, attorney, and Amy Rodriguez, litigation manager, from the firm Linebarger, Goggin, Blair & Sampson, were in attendance to report on the property tax sale process, with all future sales being

conducted on-line, and the bid submitted regarding Suit No. S-08-1155TX; Taft ISD and San Patricio County vs. Mark Almanza, et al. The property described as Acct. No. 39914; Lot 10, Block 1, Fourth Addition, an addition to the town of Taft, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 58, Map records of San Patricio County, Texas.

Mr. Saucedo reported that the School District and County had already approved the sale for the amount of \$3,000.00. The amount due to the City in delinquent taxes is \$3,994.54, receiving \$399.85 from the sale.

Councilman Rodriguez motioned, seconded by Councilman Vasquez, to accept the agreement by Linebarger to sell acct #3991, Lot 10, Blk 1, Fourth Addition to the Town of Taft, San Patricio County, Texas, according to the map or plat thereof, recorded in volume 3 Page 58, map records of San Patricio County, Texas, for \$3,000.00

The following votes were polled:

Ayes: Vasquez, Rodriguez, Molina, Powell

Noes: None

Absent: None

The motion carried.

8. (12). DISCUSS, CONSIDER AND ACT ON AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY CONTRACT FOR THE PURCHASE OF THE NEW FIRE STATION WITH MUELLER, INC.

Mr. Arismendez reported the initial plans for the new fire station called for a height of 18' feet with the exterior wall and door opening to accommodate the new fire truck. The modification was made to increase that to 20' with an 18' door. The increased price is minimal since the price of steel went down, material takes 8 weeks for delivery. New price is \$103,990.65 with anchors, but without doors and labor. The install contractor will be required to account for that. Plans are to build the new station in the same spot. Bids will be taken for demolition.

Councilman Rodriguez asked if consideration has been made to house EMS in the same building. Mr. Arismendez responded with "that is a possibility".

Councilman Rodriguez motioned, seconded by Mayor Powell, to authorize the City Manager to execute the necessary contract for the purchase of the new fire station with Mueller, Inc.

The following votes were polled:

Ayes: Vasquez, Rodriguez, Molina, Powell

Noes: None

Absent: None

The motion carried.

9. (13.) ADOPT ORDINANCE NO. 1102, ALLOWING FOR THE CREATION OF THE POSITION OF FIRE CHIEF AS A CITY EMPLOYEE FOR THE CITY OF TAFT, WITH ALL RIGHTS, BENEFITS AND DUTIES OF A CITY OF

Taft Employee. Authorizing the City Manager to immediately post the job announcement, conduct interviews and select same after consideration of applicants. Allowing for the City Manager to immediately appoint an interim fire chief while the applicants are being considered and position filled permanently. Allowing for the creation of the City of Taft Fire Department bylaws and policies and procedures. Allowing for the interim fire chief to assume all duties of oversight of current volunteer firefighters.

Mayor Powell announced that he did not like the wording of this item, also doesn't like the misinformation posted on social media. With that being said, he and the chief met and concluded that there is a better way to resolve this issue which would be beneficial to both the City and Fire Department. A meeting is scheduled for next week and asked for a motion to table Item #13.

Councilman Vasquez motion, seconded by Councilman Rodriguez to motion Item #13.

The following votes were polled:

Ayes: Vasquez, Rodriguez, Molina, Powell

Noes: None

Absent: None

The motion carried.

10. VISITORS

Mayor Powell did not address this item.

11. (14.) DISCUSS, CONSIDER AND ACT ON CONTRACT WITH ALLEGIANCE AMBULANCE SERVICES

Chief Landreth met with two representatives from Allegiance regarding response time. They advise that contract allows for a response time of 15 minutes. Discussion centered to changing that to 8 minute response time within the City, and 15 minutes outside the City. The reported that all police units have been instructed to respond to all calls.

AT THIS TIME, 7:03 P.M, Councilman Rodriguez, asked that the executive section #6. item on the agenda, be addressed again. He thought that this item would be addressed in open session. Mr. Arismendez advised that this item could still be voted on in open session.

12. (6.) EXECUTIVE SESSION: CONVENE INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.L074 PERSONNEL MATTERS INVOLVING THE APPOINTMENT, EMPLOYMENT, EVALUTION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE, TO-WIT: ALDERMAN

Council did not go into executive session.

13. (7.) DISCUSS, CONSIDER AND ACT ON FILLING THE VACANCY OF THE UNEXPIRED TERM OF OFFICE VACATED BY ALDERMAN JO ADRIAN VARA.

Councilman Vasquez motioned to nominate Summer Garcia to fill the vacancy of the unexpired term of office vacated by Jo Adrian Vara. Due to lack of a second, the motion died.

Councilman Rodriguez motioned, seconded by Councilman Molina, to nominate Chris Keeney to fill the vacated seat.

The following votes were polled:

Ayes: Rodriguez, Molina, Powell

Noes: Vasquez

Absent: None

The motion carried.

14. (8.) SWEAR IN AND OATH OF OFFICE OF THE NEWLY APPOINTED COUNCILMEMBER

Mr. Arismendez swore in Chris Keeney after he read the Statement of Officer.

AT THIS TIME, 7:07 P.M. COUNCIL RETIRED INTO EXECUTIVE SESSION:

15. EXECUTIVE SESSION: CONVENE INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.074 PERSONNEL MATTERS INVOLVING THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE, TO-WIT: MUNICIPAL JUDGE KAREN DIAZ.

Councilman Rodriguez motioned, seconded by Councilman Keeney, to enter into executive session.

The following votes were polled:

Ayes: Vasquez, Rodriguez, Keeney, Molina, Powell

Noes:

The motion carried.

COUNCIL RETURNED TO OPEN SESSION AT 7:26 P.M.

16. RECONVENE INTO REGULAR SESSION AND CONSIDER ACTION UP TO AND INCLUDING APPOINTING AN INTERIM JUDGE, IF NECESSARY, ON ANY ITEMS(S) DISCUSSED IN EXECUTIVE SESSION.

Councilman Vasquez motioned, seconded Keeney, to reconvene into regular session.

The following votes were polled:

Ayes: Vasquez, Rodriguez, Keeney, Molina, Powell

Noes:

The motion carried.

No action was taken at this time.

17. CITY COUNCIL REQUESTS AND ANNOUNCEMENTS

Councilman Rodriguez: would like to review ordinance for adoption regarding political signs placed near City property

Councilman Molina: code enforcement update

Councilman Vasquez: financials

Keeney: none

Mayor Powell: none

18. ADJOURNMENT

There being no further business Councilman Vasquez motioned, seconded by Councilman Rodriguez, to adjourn the meeting at 7:28 p.m.

CITY OF TAFT

Randy Powell

Mayor

ATTEST:

Molly Topper

City Secretary

Item #6

Approval of
Tax Sale

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

Attorneys At Law
500 N SHORELINE BLVD STE 1111
CORPUS CHRISTI, TEXAS 78401-0357

(361) 888-6898
FAX (361) 888-4405

December 2, 2022

Sid Arismendez
City Manager, City of Taft
501 Green Ave.
Taft, Texas 78390

**RE: Offer to purchase tax sale property
Suit No. S-15-1133TX; Taft Independent School District, San Patricio County
and City of Taft vs. Jake Valdez, et al
ACCT. NO. 78770; Lot 19, Block 4, Fourth Hidalgo Additions, an addition to San
Patricio County, Texas, according to the map or plat thereof, recorded in Volume
3, Page 58, Map Records of San Patricio County, Texas**

Dear Mr. Arismendez:

An offer has been made by Nextlots Properties, LLC, PO Box 870, Lancaster, TX 75146 in the amount of \$9,000.00 for the purchase of a tax sale property owned in trust by the San Patricio County taxing authorities as a result of the property's failure to sell at tax sale on the courthouse steps for the entire amount of delinquent taxes and costs owed.

An analysis showing the amount of money each taxing entity would receive if the offer is accepted is attached, as is a copy of Nextlots Properties, LLC's written offer. In order for the property to be sold for less than the entire amount of taxes and costs owed, the formal approval of the city is required under Property Tax Code Section §34.05.

Please place this as an action item on the agenda of the City Council meeting to be held on Tuesday, December 13, 2022. A suggested wording of this item is as follows: "Consideration and approval of offer to purchase tax sale property."

Should you have any questions, please do not hesitate to call me.

Sincerely,



Steven D. Saucedo
Attorney at Law

SDS/djm

Enclosure (offer, bid analysis and resolution authorizing resale)

cc: Marcela "Marcy" Thormaehlen, PCC
Tax Assessor-Collector, San Patricio County
PO Box 280
Sinton, TX 78387-0280

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW
500 NORTH SHORELINE BLVD., SUITE 1111
CORPUS CHRISTI, TEXAS 78401

(361) 888-6898
FAX (361) 888-4405

Tax Resale Property Offer Form

The property is being sold for taxes, and all sales are made subject to a right to redeem within the time and manner provided by law. Purchasers do have a legal right to possession of the property during the redemption period. **Successful Purchasers will receive a Tax Resale Deed, which is without warranty.** It is the bidder's responsibility to do their own title examination and satisfy themselves as to the condition of the title before submitting an offer. It is also the bidder's responsibility to satisfy themselves concerning the location and condition of the property on the ground before submitting an offer.

All offers must be submitted on this form, to the law office of Linebarger Goggan Blair & Sampson, LLP at 500 North Shoreline Blvd., Suite 1111, Corpus Christi, Texas 78401. All offers will be subject to approval by the taxing entities that have an interest in the subject property. **The bidders should be prepared to wait at least 90 days for approval.** Upon approval, the successful bidder is required to pay the entire amount of the offer within 10 days to the Linebarger firm at the address shown above. If more than one offer is received for a particular property, the law firm may schedule a second auction among those parties who have submitted written offers.

The Law Firm or the Taxing Entities **will not** supply or pay for any closing costs, including, but not limited to: Owner Financing, Title Policy, Abstract of Title, Survey, Appraisal, Termite Certificate

I understand that the property is being sold in "as is" condition without Warranty. I further understand that I may be subject to penalty provisions of applicable Texas Law for failure to submit payment in accordance with the amount of bid.

Subject to the terms and conditions stated herein, I submit the following offer on the property described below:

Amount of Offer: \$1,000.00 \$9000 - Bid off 11/28/22
Suit Number: 545-1133 TX Line #: _____
Tax Account No.: 78770
Legal Description: Lot 19 Blk 4 4th
Taft
Submitted by: Nextlots Properties LLC
Address: P.O. Box 870
Lancaster, TX 75146
Telephone Number(s): 214-686-6806
Signature: Isana Denton
Date Submitted: 8-31-2022

(Please print all information clearly)

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

Attorneys At Law
500 N SHORELINE BLVD STE 1111
CORPUS CHRISTI, TEXAS 78401-0357

(361) 888-6898
FAX (361) 888-4405

ANALYSIS OF BID RECEIVED FOR TAX RESALE PROPERTY

Suit No. S-15-1133TX; Taft Independent School District, San Patricio County and City of Taft vs. Jake Valdez, et al

Legal Description: ACCT. NO. 78770; Lot 19, Block 4, Fourth Hidalgo Additions, an addition to San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 58, Map Records of San Patricio County, Texas

Property Address: 664 Lopez, Taft, TX

Bidder: Nextlots Properties, LLC, PO Box 870, Lancaster, TX 75146

Date of Sale:	August 6, 2019
Amount Due All Entities:	\$18,008.77
Amount of Bid:	\$9,000.00
Cost of Sale:	\$1,166.00
Current Value:	\$29,193.00
% of Total Due:	46.94 %
% of Current Value:	30.83 %

Entity	Amount Due	Amount You
Name	Each Entity	Will Receive
Taft ISD	\$10,456.32	\$4,548.61
San Patricio County	\$4,106.64	\$1,786.43
City of Taft	\$3,445.81	\$1,498.96

RESOLUTION NO. 665

A RESOLUTION AUTHORIZING TAX SALE

WHEREAS, by Sheriff's Sale conducted on August 6, 2019, the property described below was struck-off to the San Patricio County, Trustee, pursuant to a delinquent tax foreclosure decree of the 36th Judicial District Court, San Patricio County, Texas, and

WHEREAS, the sum of \$9,000.00 has been tendered by NextLots Properties, L.L.C., PO Box 870, Lancaster, TX 75146, for the purchase of said property pursuant to Section §34.05, Texas Tax Code Ann. (Vernon, 1982), and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Taft that its Mayor, Randy Powell, be and he is hereby authorized to execute a tax resale deed on behalf of the City conveying to NextLots Properties, L.L.C. all of the right, title, and interest of the City, and all other taxing units interested in the tax foreclosure judgment in the following described real property located in San Patricio County, Texas.

ACCT. NO. 78770; Lot 19, Block 4, Fourth Addition, an Addition to the Town of Taft, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 58, Map records of San Patricio County Texas.

PASSED and APPROVED this 13nd day of December, 2022.

Randy Powell, Mayor

ATTEST:

Molly Topper, City Secretary

Suit # S-15-1133TX

Jake Valdez



Suit # S-15-1133TX

Jake Valdez



Item #8

RFP ADMIN
SVCS. CDBG

2023-24 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PUBLIC HEARING

V. Public Notice

A public notice concerning the activities and activity locations included in the TxDBG application will be published at least 5 days prior to submission and a copy of the application will be available for public review during normal office hours.

Community Development Fund Regional Allocation for 2021:

Region	PY 2021 Allocation
AACOG	\$2,660,831
ATCOG	\$2,119,818
BVCOG	\$1,508,751
CAPCOG	\$2,362,700
CBCOG	\$2,547,915
CTCOG	\$1,750,636
CVCOG	\$941,695
DETCOG	\$3,401,053
ETCOG	\$4,320,108
GCRPC	\$1,323,194
HGAC	\$3,135,056
HOTCOG	\$2,024,921
LRGVDC	\$1,722,589
MRGVDC	\$2,158,146
NCTCOG	\$5,676,030
NORTEX	\$1,537,804
PBRPC	\$1,683,402
PRPC	\$2,133,562
RGCOG	\$2,072,328
SETRPC	\$1,686,897
SPAG	\$1,716,720
STDC	\$1,956,659
TEXOMA	\$1,273,611
WCTCOG	\$2,159,925

I. General Information

- A. We appreciate your attending the public hearing and your participation. Your questions are welcome.
- B. The Texas Department of Agriculture requires written complaint procedures to be on file. These will be on file and available during normal office hours. It should also be pointed out that citizens unable to attend this hearing may submit their views and proposals during normal business hours.

II. Eligible Applicants

- A. Units of general local government which are not eligible for the entitlement funds under HUD's Community Development Block Grant.
 1. Cities of less than 50,000 population
 2. Non-urban Counties (less than 200,000 population)
- B. Assistance is available in 6 proposed funding categories:
 1. Community Development Fund (CD)
 2. FAST Fund
 3. Colonia Fund
 4. Planning/Capacity Building Fund
 5. State Urgent Need Fund
 6. Downtown Revitalization/Main Street Programs (DRP/MS)

III. Proposed Activities

- A. All proposed activities must meet at least one of three national program objectives:
 1. Principally benefit low- and moderate-income persons
 - a. At least 51% of the identified beneficiaries must have a family income of less than 80% of the area median income
 - b. Two methods of determining low- and moderate-income percentage
 - i. 2020 census data or American Community Survey data
 - ii. Door-to-door survey of the project area
 2. Aid in the prevention or elimination of slum or blighted areas
 3. Meet other community development needs of a particular urgency which represent an immediate threat to the health and safety of residents of the community
- B. Eligible Activities:
 1. Water System Improvements
 2. Wastewater System Improvements

3. Street Improvements
 4. Drainage Improvements
 5. Housing Rehabilitation
 6. Handicapped Accessibility Improvements
 7. Fire Protection Facilities
 8. Health Clinics/Shelters for Persons with Special Needs
 9. Gas/Electrical Facilities
 10. Solid Waste Disposal Facilities
 11. Community/Senior/Social Service Centers
- *Priority scoring has been established by each COG's Executive Committee.

C. Ineligible Activities

1. Construction of buildings used for the general conduct of government (city halls, courthouses, jails)
2. New housing construction (except under some circumstances)
3. Political Activities
4. Purchase of construction equipment (except under STEP program)
5. Income payments, such as housing allowances
6. Most operation and maintenance expenses

IV. Funding

A. Community Development Fund

1. These funds are allocated by state planning region. Funds are allocated to each state planning region to ensure a broad geographic distribution of funds as shown on the Table on Page 4 of this brochure.
2. The maximum amount available for each applicant is \$500,000 set by the Unified Scoring Committee (USC) at a Statewide level.
4. The minimum amount that may be applied for is \$75,000.
5. For the 2023 and 2024 funding cycles, the application deadline is *April 3, 2023*. After the 2023 funds are designated to the communities, the next applicants in rank order will be funded with the 2024 funds approximately the late summer of 2024.

B. FAST Fund

1. Fire, Ambulance and Service Truck Fund
2. Funding availability as available and announced by TDA.
3. The maximum amount available for each individual application is \$750,000.
4. The Fire, Ambulance, & Service Truck (FAST) Fund provides funds for eligible vehicles to provide emergency response and special services to rural communities.

C. Colonia Fund

These funds are available to eligible county applicants for projects in severely distressed unincorporated areas which meet the definition as a "colonia" under these funds. Scoring of all the selection criteria for Colonia Fund applications is completed by TxCDBG staff. To be a colonia on the basis of objective criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, and sanitary housing; and was in existence as a colonia before the date of the enactment of the Cranston-Gonzalez National Affordable Housing Act (November 28, 1990). Application Deadline: May 3, 2022

D. Planning and Capacity Building Fund (PCB)

The Planning and Capacity Building Fund is a competitive grant program for local public facility and housing planning activities. Localities apply for financial assistance to prepare a "comprehensive plan" or any of its components. Typical activities regard topics such as: Base Mapping, Land Use, Housing, Population, Economic Development and/or Tourism, Central Business District, Street Conditions, Thoroughfares, Parks and Recreation, Water Distribution and Supply, Wastewater Collection and Treatment, Drainage (streets & flood hazard areas), Gas or Electric Systems (if owned by the locality), Community Facilities, Capital Improvements Program, Zoning Ordinance, Subdivision Regulation. Section 105(a) of the Housing and Community Development Act of 1974, as amended, outlines all the generally eligible activities.

E. State Urgent Need Fund (SUN)

The State Urgent Need (SUN) Fund is available following natural disasters and events that are not eligible for federal disaster assistance. The SUN program provides financial assistance to address disaster-related damage to public infrastructure and utilities, including repair, replacement, and mitigation measures.

F. Downtown Revitalization and Main Street Programs

The DRP/MS program objective is to provide infrastructure improvements to address the conditions that contribute to the deterioration in an area designated as slum or blighted in the applicant community's downtown or main street area. To qualify under this objective, the project area must: 1. be officially designated by the applicant through passed/adopted city council resolution; 2. meet a definition of a slum, blighted, deteriorated, or deteriorating area under State or local law; and 3. exhibit physical signs of blight or decay. Eligible activities include sidewalks, lighting, elimination of architectural barriers, water/sewer lines and road construction including curb, gutter and related drainage.

Application max: \$500,000 Application Deadline: May 3, 2022



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OPPORTUNITY**

**We Do Business in Accordance With the Federal Fair
Housing Law**

(The Fair Housing Amendments Act of 1988)

**It is illegal to Discriminate Against Any Person
Because of Race, Color, Religion, Sex,
Handicap, Familial Status, or National Origin**

- | | |
|--|--|
| ■ In the sale or rental of housing or residential lots | ■ In the provision of real estate brokerage services |
| ■ In advertising the sale or rental of housing | ■ In the appraisal of housing |
| ■ In the financing of housing | ■ Blockbusting is also illegal |

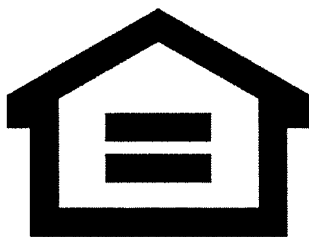
Anyone who feels he or she has been discriminated against may file a complaint of housing discrimination:

1-800-669-9777 (Toll Free)

1-800-927-9275 (TTY)

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**U.S. Department of Housing and
Urban Development
Assistant Secretary for Fair Housing and
Equal Opportunity
Washington, D.C. 20410**



**EQUAL HOUSING
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EN LA VIVIENDA**

**Nuestras prácticas de negocios cumplen la ley federal
de equidad en la vivienda**

(Enmienda a la ley de Equidad en la vivienda de 1988)

**Es ilegal discriminar contra ninguna persona a
causa de su raza, color, religión, sexo,
discapacidad, situación familiar u origen nacional**

- En la venta o el alquiler de viviendas o lotes residenciales
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- En la provisión de servicios de corredores de bienes raíces
- En la tasación de viviendas
- Las tácticas de intimidación (Blockbusting) también son ilegales

**Cualquier persona que crea que ha sido
discriminada puede presentar una reclamación
de discriminación en la vivienda:**

1-800-669-9777 (Línea gratuita)

1-800-927-9275 (TTY)

www.hud.gov/fairhousing

**U.S. Department of Housing and
Urban Development
Assistant Secretary for Fair Housing and
Equal Opportunity
Washington, D.C. 20410**



Grants & Services > Rural Economic Development > Rural Community Development Block Grant (CDBG) > CDBG
Resources > Applications > Community Development Fund Application & Guide

Community Development Fund (CD)

Fund Name:

Community Development Fund

Fund Acronym:

CD

Description:

The Community Development Fund is the largest fund category in the TxCDBG Program. This fund is available on a biennial basis for funding through a competition in each of the 24 state planning regions.

Although most funds are used for Public Facilities (water/wastewater infrastructure, street and drainage improvements and housing activities), there are numerous other activities for which these funds may be used.

Funds are allocated to each state planning region to ensure a broad geographic distribution of funds as described in the One Year Action Plan. Additional funds deobligated from previous awards may be made available using the same formula. Funds allocated to a region that does not have an eligible application to fund will be reallocated to other regions to maximize the number of awards granted.

Eligible Applicants:

Eligible applicants are nonentitlement general purpose units of local government including cities and counties that are not participating or designated as eligible to participate in the entitlement portion of the federal Community Development Block Grant Program (CDBG). Nonentitlement cities that are not participating in urban county programs through existing participation agreements are eligible applicants (unless the city's population is counted towards the urban county CDBG allocation).

Nonentitlement cities are located predominately in rural areas and are cities with populations less than 50,000 thousand persons; cities that are not designated as a central city of a metropolitan statistical area; and cities that are not participating in urban county programs. Nonentitlement counties are also predominately rural in nature and are counties that generally have fewer than 200,000 persons in the nonentitlement cities and unincorporated areas located in the county.

Maximum Award Amount:

\$500,000

Evaluation and Selection:

All applicants must refer to the Community Development Fund Application Guide for complete details and information.

Community Development Fund scoring is governed by the provisions of the TxCDBG Action Plan.

Application Deadline: April 3, 2023

[2023-2024 Community Development \(CD\) Fund Application Guide](#)



Texas Community Development Block Grant Program

2023-2024 Community Development Fund

Application Guide

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TxCDBG Goals and Requirements

The goal of the Texas Community Development Block Grant (TxCDBG) Program is to develop viable communities by providing decent housing and a suitable living environment, as well as by expanding economic opportunities, principally for persons of low-to-moderate income. In awarding funding pursuant to Government Code Section 487.351(c), the Texas Department of Agriculture (TDA) shall give priority to eligible activities in the areas of economic development, community development, rural health and rural housing to support workforce development.

The objectives of the TxCDBG Program are:

1. To improve public facilities to meet basic human needs, principally for low-to-moderate income persons;
2. To improve housing conditions, principally for persons of low-to-moderate income;
3. To expand economic opportunities by creating or retaining jobs, principally for low-to-moderate income persons; and
4. To provide assistance and public facilities to eliminate conditions hazardous to the public health and of an emergency nature.

Recommended Steps in Application Process

Although certain steps may be completed at any point in the grant application process, TDA recommends completing the application as follows:

- 1) Review the Application Guide and consider potential eligible projects that would meet local needs.
- 2) Identify an Application Preparer. This may be a local staff person or a third-party consultant procured using TDA's Pre-Qualified Administrator procurement process. More information regarding this process can be found on the [TxCDBG Professional Services](#) web page.
- 3) Conduct public hearing to solicit feedback from community members regarding community needs. Notice of the public hearing must be provided no less than 72 hours prior to the hearing.
- 4) Discuss most feasible projects with the Application Preparer and decide which project(s) to pursue.
- 5) Identify an Application Engineer. This may be a local staff person or a third-party consultant procured using TDA's Chapter 5 Professional Services procurement process. More information regarding this process can be found on the [TxCDBG Implementation Manual](#) web page.
- 6) With Application Engineer, identify Benefit Area of the project(s) and preliminary cost estimate.
- 7) With Application Preparer, identify LMI beneficiaries of the Benefit Area via HUD data or income survey. More information on beneficiary documentation can be found on the [TxCDBG Beneficiary Documentation](#) web page.
- 8) If project area qualifies, continue preparing application data with Application Preparer.
- 9) Present local resolution to local governing body to authorize submission of the application – this resolution includes the project description and commitment of any matching funds and must be passed after conducting the public hearing.
- 10) Finalize the application.
- 11) Publish notice of application availability. The application must be available for public review for no less than five (5) days:
 - a. after the local resolution is passed;
 - b. after the notice of availability; and
 - c. prior to the application submittal deadline.
- 12) Submit the application to TDA.

Part I. CD Fund - Specific and other Program Requirements

Action Plan

The requirements and procedures specified in the 2023 One Year Action Plan will govern the 2023-2024 CD Fund application process. The Action Plan will be available on the TDA website at www.TexasAgriculture.gov. Note: The 2022 One Year Action Plan may be used for reference until the 2023 planning period is completed.

CD Fund Application Submittal and Deadline Requirements

The application procedures for the 2023-2024 TxCDBG Community Development (CD) Fund are included in this Application Guide. The procedures in this application guide supersede those published in all previous TxCDBG application guides.

The deadline for all 2023-2024 TxCDBG CD Fund applications is 11:59 p.m. C.T. on April 3, 2023.

Applications will not be accepted after 11:59 p.m. on the final day of submission. Technical assistance from TDA staff will be unavailable after 5:00 p.m. on the final day of submission.

Application submissions shall be accepted through TDA-GO system. The system may be accessed by navigating to <https://tda-go.intelligrants.com/>.

Amount of Grant Funds Requested

CD Fund applications may request no more than \$500,000 in eligible project activities, including engineering and administration costs.

All CD Fund applications must request a minimum of \$200,000 in eligible project activities, including engineering and administration costs. Applications that do not support this minimum grant amount will not be considered for funding. Communities with projects that do not meet this minimum request amount may consider partnering with neighboring jurisdictions with similar projects.

Grant funds may be used for the following costs in support of eligible TxCDBG program activities up to the maximum amount below - if actual costs exceed this amount, matching funds will be assigned to these costs:

- General administration – up to 16% of funds requested for construction and acquisition activities or \$55,000, whichever is less
- Engineering services – up to 25% of funds requested for construction and acquisition activities or \$75,000, whichever is less

National Program Objective

For the Community Development Fund, a community must meet the Low/Moderate Income NPO as per the Texas Administrative Code. The project must meet all requirements to document one of the following for each activity:

- LMI Area Benefit,
- LMI Housing Benefit, or
- LMI Limited Clientele benefit (requires TDA approval prior to passage of the local resolution).

An activity that addresses the NPO of principally benefitting low-to-moderate income persons must provide documentation as to the income status of those persons (also called beneficiaries). Low to moderate income individuals are those whose income is 80% or less of the area median family income (AMFI). Clear documentation of an applicant's beneficiary identification method must be received with the application.

- HUD's Low-Moderate Income Summary Data (LMISD) may be used to document beneficiaries within a specific Census geography. To obtain a Census map of a specific area, visit the [HUD LMISD Mapping Application](#).
- Use of door-to-door surveys is an acceptable method for documenting beneficiary income levels. Refer to the agency website at <https://www.texasagriculture.gov> for a copy of the most recent **Survey Methodology Manual** and required survey forms. Use the survey method to document beneficiaries for projects that have a small benefit area or for proposed project activities with a service area that cannot be "reasonably delineated" by standard census geographic areas (Place, Census Tract, Block Groups).

Additional information regarding documentation for National Program Objectives can be found in the **TxCDBG Guide to National Objectives**.

Inaccurate or incomplete documentation of beneficiaries will result in disqualification of the application. TDA staff is available to provide technical assistance to confirm beneficiary documentation prior to the application deadline. To request this assistance, email CDBGApps@TexasAgriculture.gov with the following information at least 30 days prior to the application deadline or within a reasonable time before the deadline to allow TDA staff sufficient time to review:

- Brief project description;
- Description of how residents of the identified service area will benefit from the proposed improvements;
- Map showing location of proposed improvements AND clear boundaries of benefiting service area; and
- Supporting documentation for beneficiaries (Census-based LMISD data or Beneficiary Survey).

Eligible Activities

All eligible TxCDBG program activities (see Appendix IV) are eligible for the CD Fund.

Parameters for planning activities

Related Planning Activities: Applicants may propose planning activities to be completed in conjunction with an eligible construction activity.

- Requested planning activities shall be limited to the activity type of construction proposed. For example, an application proposing water improvements may also request a water system planning activity.
- Related planning activities must include system mapping, system analysis and inventory of current conditions, and a capital needs priority list.
- TDA reserves the right to negotiate this element in the application and/or award state, including requiring additional matching funds.
- Because the planning activity will benefit the entire system service area, the planning activity (IDIS activity code 20) must be established as a separate benefit area with appropriate documentation for beneficiaries, budget, and cost estimate. The project must meet all the requirements to document LMI Area Benefit (LMA).

Comprehensive Planning Activities: Applicants may request funds for community-wide comprehensive plans.

- Comprehensive plans must include base mapping, land use analysis, housing and population analysis, and financial analysis for capital improvements. Plans must include at least three (3) of the following planning elements:
 - Utility systems
 - Storm drainage systems
 - Transportation systems
 - Parks and recreation facilities
 - Zoning Ordinances
 - Subdivision Ordinances
- For each selected element, analysis must include system mapping, review of current conditions, and evaluation for compliance with relevant minimum standards. Requests for special planning studies must document the specific need for the activity and TDA reserves the right to negotiate this element in the application and/or award stage, including requiring additional matching funds.

- Because the planning activity will benefit the entire community, the planning activity (IDIS activity code 20A) must be established as a separate benefit area with appropriate documentation for beneficiaries, budget, and cost estimate. The project must meet all the requirements to document LMI Area Benefit (LMA).
- Up to \$75,000 may be requested for Comprehensive Planning Activities.

TDA reserves the right to decline planning activity funding where:

- TxCDBG funding was expended for substantially similar planning activities within ten (10) years preceding the application submittal deadline;
- Existing planning documents do not support the need for additional planning; or
- A current TxCDBG grant agreement or pending application indicates that significant system improvements or new system construction plans have already been identified.

Number of Activities Requested

Applicants may submit applications for projects that include a single activity such as housing rehabilitation, sewer improvements, water improvements, drainage, roads, community centers, etc.

A single activity project (e.g., the extension of water lines and related service connections) may include some incidental activities, such as repair of streets under which the lines were placed, and still be considered a single activity project.

If multiple activities are requested, each activity must be established as a separate Benefit Area, with appropriate documentation for each (beneficiaries, budget, cost estimate, etc.). This requirement pertains both to applications with a variety of activities (e.g., water, sewer, and street paving activities) and to applications that include mixture of different areas. For example, an application that includes a water well benefitting an entire city and water lines benefitting a target area would be considered separate activities. See Appendix 1 for additional instructions on multiple benefit areas.

Citizen Participation

For the Community Development Fund, public hearings conducted to solicit information on community needs and priorities, as described in Part II below, will be accepted only if conducted on or after August 1, 2022.

Scoring (Maximum 200 Points Total)	
Regional Priority Scoring Factor	
For established project priorities for 2023-2024, by region please visit the Regional Priorities web page.	Maximum 50 Points
Unified Scoring Committee (USC) Scoring Factors	
What is the poverty rate of the applicant?	20 Points
Methodology: Determined by reviewing the most recent U.S. Census American Community Survey (ACS) 5-year estimate, Table S1701 for the applicant.	
<ol style="list-style-type: none"> 1. The poverty rate for each applicant is calculated by dividing the total number of persons at or below the designated poverty level by the total population from which impoverished persons was determined. Once this has been established, the average poverty rate is determined by dividing the sum of all poverty rates by the number of applicants. 2. A base is calculated by multiplying the average poverty rate by 1.25. 3. The poverty rate of each applicant is then divided by the base to determine each applicant's poverty factor. 4. The poverty factor for each applicant is multiplied by the total maximum allowable points. Any applicants exceeding the total allowed points will be capped at the maximum. 	

Note: Cities will be compared to all cities, and counties will be compared to all counties.

What is the applicant's match amount?	Maximum 50 Points
<u>Methodology:</u> If the project is for beneficiaries for the entire county, the total population of the county is used. For county applications in unincorporated areas, the population category is based on the actual number of beneficiaries served by the project activities. If the project serves beneficiaries for applications submitted by cities, the total city population is used.	
<u>Data Source:</u> Most-recently available ACS 5-Year Estimate, Table B01003	
Applicant population equal to or less than 1,500 according to most recent ACS data:	
Match equal to or greater than 5% of grant request	50 Points
Match at least 4% but less than 5% of grant request	40 Points
Match at least 3% but less than 4% of grant request	30 Points
Match at least 2% but less than 3% of grant request	20 Points
Match less than 2% of grant request	10 Points
Applicant population equal to or less than 3,000 but over 1,500 according to most recent ACS data:	
Match equal to or greater than 10% of grant request	50 Points
Match at least 7.5% but less than 10% of grant request	40 Points
Match at least 5% but less than 7.5% of grant request	30 Points
Match at least 2.5% but less than 5% of grant request	20 Points
Match less than 2.5% of grant request	10 Points
Applicant population equal to or less than 10,000 but over 3,000 according to most recent ACS data:	
Match equal to or greater than 15% of grant request	50 Points
Match at least 11.5% but less than 15% of grant request	40 Points
Match at least 7.5% but less than 11.5% of grant request	30 Points
Match at least 3.5% but less than 7.5% of grant request	20 Points
Match less than 3.5% of grant request	10 Points
Applicant population over 10,000 according to most recent ACS data:	
Match equal to or greater than 20% of grant request	50 Points
Match at least 15% but less than 20% of grant request	40 Points
Match at least 10% but less than 15% of grant request	30 Points
Match at least 5% but less than 10% of grant request	20 Points
Match less than 5% of grant request	10 Points

Has the applicant been funded in the previous three (3) CD application cycles?	Maximum 60 Points
<u>Methodology:</u> Data source documentation will be reviewed and points will be assigned.	
The applicant has not received funding during the previous three funding cycles (0x)	60 Points
The applicant has been funded once (1x) during the previous three funding cycles	40 Points
The applicant has been funded twice (2x) during the previous three funding cycles	20 Points
The applicant has been funded three times (3x) during the previous three funding cycles	0 Points
State-Selected Scoring Factors	
<u>Methodology:</u> For the state scoring factor, each applicant is initially awarded the full 20 points. Points are deducted from those 20 points based upon performance of an applicant on a previously awarded contract.	

Past Performance on previously awarded contracts (Awarded 2/1/2018 – 8/31/2022)	Maximum 16 Points
<ul style="list-style-type: none"> Timely submission of closeout reports <p>Five (5) points will be deducted for applicants that did not submit close-out report within 60 days from the end date of the contract</p>	5 Points
<ul style="list-style-type: none"> Timeliness of environmental clearance <p>Zero (0) points will be deducted for applicants that completed the environmental review within 30 days of the environmental clearance milestone (210 days after the contract start date)</p> <p>One (1) point will be deducted for applicants that completed the environmental review within 60 days of the environmental clearance milestone (240 days after the contract start date)</p> <p>Three (3) points will be deducted for applicants that completed the environmental review within 90 days of the environmental clearance milestone (270 days after the contract start date)</p> <p>Five (5) points will be deducted for applicants that did not complete the environmental review within 90 days of the environmental clearance milestone (271+ days after the contract state date)</p>	5 Points
<ul style="list-style-type: none"> Maximum utilization of grant funds awarded <p>Zero (0) points shall be deducted for completed contracts that fully expended the grant funds, or deobligated less than the threshold amount (\$10,000).</p> <p>Five (5) points shall be deducted for contracts that deobligated an amount equal to or greater than the threshold for any reason.</p> <p>Exception: This scoring criterion will not apply to Texas Capital Fund Real Estate/Infrastructure contracts that completed the minimum necessary AND fulfilled 100% of the job commitment.</p>	5 Points
<ul style="list-style-type: none"> Timeliness of completing projects (i.e., extension of contracts) <p>One (1) point will be deducted for applicants that received an extension on a previous contract.</p>	1 Points
<p>If an Applicant received more than one grant within the past performance evaluation period (2/1/2016 – 9/1/2020), TDA will average the result for all awarded contracts to assess a score for each metric.</p>	

TxCDBG Priorities	Maximum 4 Points
<ul style="list-style-type: none"> Early public hearing <p>Two (2) points shall be received for applicants that conducted the public hearing, a component of the required citizen participation process, at least 90 days prior to application deadline.</p>	2 Points
<ul style="list-style-type: none"> Fair Housing Activity <p>Two (2) points shall be received for applicants that have conducted at least one of the following activities to affirmatively further fair housing between 9/1/2021 and the application deadline.</p>	

<ul style="list-style-type: none"> ▪ Conduct a community wide housing analysis to determine impediments to fair housing and implement action to eliminate these impediments and present the result of the analysis to the local governing body. <ul style="list-style-type: none"> • To receive points, provide a copy of the governing body agenda and any materials distributed to the public. ▪ Sponsor or fund fair housing counseling/referral services for owners and renters. <ul style="list-style-type: none"> • To receive points, provide a flyer or other material distributed for the services AND confirmation of financial contribution or sponsorship. ▪ Utilize local businesses and banking institutions to promote fair housing by displaying fair housing posters <ul style="list-style-type: none"> • To receive points, provide photographs of at least three displays, and a list of all locations participating - a minimum of 10% of the members of the local Chamber of Commerce or similar organization for the community must display Fair Housing posters for a minimum of 30 days. ▪ Conduct free training workshops on fair housing laws to homebuyers, rental property owners, and tenant organizations. <ul style="list-style-type: none"> • To receive points, provide a flyer or other material distributed for the services – the materials must identify the applicant as the organizer OR be supported by documentation of financial contribution to the training. ▪ Sponsor a poster contest or essay writing contest at local schools to educate and promote fair housing. <ul style="list-style-type: none"> • To receive points, provide a flyer or other material distributed for the contest AND a copy of the winning submission. ▪ Review local zoning laws and procedures to determine whether they contribute to, or detract from, fair housing choice and present the results of this review to the local governing body. <ul style="list-style-type: none"> • To receive points, provide a copy of the governing body agenda and any materials distributed to the public. ▪ Find ways to inform builders and architects as early as possible in the project design phase, but certainly no later than the issuance of a building permit, of the need to comply with the accessibility requirements of the Fair Housing Act. <ul style="list-style-type: none"> • To receive points, provide a copy of the materials distributed to the public and a statement describing how these materials are distributed to the building community. ▪ Participation by community leaders (including but not limited to local official) in COG-hosted fair housing event <ul style="list-style-type: none"> • To receive points, provide a copy of the event agenda and any materials distributed that are related to fair housing. ▪ Participation by community leaders (including but not limited to local official) in HHSC Housing Summit or similar collaboration. <ul style="list-style-type: none"> • To receive points, provide a copy of the event agenda and any materials distributed that are related to fair housing. ▪ Invite local and/or regional media to observe TxCDBG-funded projects that have made a positive impact on the community. <ul style="list-style-type: none"> • To receive points, provide a copy (or transcript) of the media coverage. If the media outlets declined to cover the project, a copy of the written invitation to a minimum of two media outlets will be accepted in lieu of providing an article or other coverage. 	<p>2 Points</p>
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Additional options may be considered if approval is requested from TDA no later than 30 days prior to application deadline.	
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Tie Breaker

In the event of a tie, applicants shall be ranked starting with the lowest median household income. Data source: Most recently available ACS 5-Year Estimates, Table DP03

Part II. General TxCDBG Application Requirements

Application Completeness

Any application that is incomplete, noncompliant with program requirements, or received late will be disqualified. Applications lacking information necessary to make a determination concerning the eligibility of the activity (e.g., data on low-to-moderate income beneficiaries) or compliance with TxCDBG and Federal program requirements (e.g., citizen participation requirements) will be disqualified. A substantially complete TxCDBG application must include all of the following information:

- All application forms, fully completed;
- Accurate beneficiary data for the proposed project activities;
- A passed/adopted Local Government Resolution authorizing submission of the application;
- Evidence of compliance with the TxCDBG Citizen Participation requirements including the Public Hearing Notice and Notice of Application Availability
- Legible, quality maps; and
- Active SAM.gov registration for applicant.

Applications lacking any of the items listed above will be disqualified.

Completed applications received by the deadline may be subject to disqualification including, but not limited to, any of the following reasons:

- The applicant is not a unit of general local government;
- The project is located in, or substantially benefits, an entitlement area;
- The application contains ineligible activities;
- The applicant does not comply with the TxCDBG Citizen Participation requirements;
- The applicant does not meet the Applicant Threshold Requirements;
- The application contains false information;
- The applicant did not comply with the TxCDBG survey requirements;
- The same or substantially the same application has been submitted under two or more TxCDBG fund categories;
- The application does not contain adequate or acceptable information to show that each proposed application activity meets a National Program Objective;
- The application does not comply with the requirement concerning the preparation of an assessment of the applicant's housing and community development needs prior to submission of a TxCDBG application;
- The applicant does not provide the information required in the TxCDBG Applicant/Recipient Disclosure/Update section of the Application; or
- The applicant does not respond, refuses to respond, or does not provide an adequate response to requests for revisions or additional information within the prescribed timeline.

Applications must propose project(s) that are fully developed. The proposed project scope cannot be changed after the application deadline, unless at the direction of TDA staff. The citizen participation process is intended to identify community priorities, and TDA will not approve a change in project scope based on changing priorities of the local government. Placeholder applications – those proposing a potential project with the intent of securing funding, then making local decisions regarding actual locations and project details after an award – will be considered substantially incomplete and will be subject to disqualification. Applications must justify any amount requested in the application and the amount requested is subject to review.

Application Preparer

An applicant may procure services prior to the submission of the application to assist in the preparation of the application and/or to provide engineering/architectural or administration services needed for grant management purposes if the application is funded. However, costs for application preparation are not eligible for matching funds or reimbursement with TxCDBG funds.

For services to be ultimately paid through grant funds, the applicant must follow the procurement guidelines included in the most recent TxCDBG Implementation Manual to contract for such services. For services to be paid through matching funds, TDA strongly recommends that applicants follow the same procurement guidelines. Following those guidelines will ensure a competitive process and compliance with all applicable state and federal requirements. See the “*Conflict of Interest*” section of this Guide for important information about the timing of this procurement.

Applicant Threshold Requirements

To be eligible to apply for or to receive funding under the TxCDBG Program, a community must meet all of the following criteria, in accordance with Title 4, Part 1, Chapter 30, Subchapter A, Section 30.6 of the Texas Administrative Code (TAC):

- (1) Grant administration. Demonstrate the ability to manage and administer the proposed project;
- (2) Financial capacity. Demonstrate the financial management capacity to sustain operation and maintenance of any improvements made in conjunction with the proposed project;
- (3) Proposed benefits. Demonstrate the ability to meet all proposed benefits identified in its application;
- (4) Levy and collect tax. Levy and collect a local property tax or local sales tax option;
- (5) Open TxCDBG grant agreements. Demonstrate compliance with progress threshold requirements for existing TxCDBG grant awards to be eligible for TxCDBG funding, as follows – details regarding documentation for meeting these thresholds can be found in the TxCDBG Project Implementation Manual:

Fund Category	Grant Period	Progress Threshold #1	Progress Threshold #2
FAST Fund	18 months	Satisfy all Group B requirements at 6 months	Project Completion Report and final payment request submitted at 18 months
State Urgent Need Fund	18 months	Satisfy all Group B requirements at 12 months	Construction complete, Project Completion Report and final payment request submitted at 18 months
Community Development	24 months	Satisfy all Group B requirements at 12 months	Construction complete, Project Completion Report and final payment request submitted at 24 months
Downtown Revitalization/Main Street Program	24 months	Satisfy all Group B requirements at 12 months	Construction complete, Project Completion Report and final payment request submitted at 24 months
Colonia Fund (CFC and CEDAP, excluding CSH)	24 months	Satisfy all Group B requirements at 12 months	Construction complete, Project Completion Report and final payment request submitted at 24 months
Planning Capacity Building	24 months	Satisfy all Group B requirements at 12 months	Planning complete, reports & maps, Project Completion Report and final payment request submitted at 24 months
Community Enhancement	24 months	Satisfy all Group B requirements at 12 months	Construction complete, Project Completion Report and final payment request submitted at 24 months

TCF Infrastructure/Real Estate	36 months	Satisfy all Group B requirements at 18 months	Construction complete, Project Completion Report and final payment request submitted at 36 months
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(6) Single audits. Comply with all federal single audit requirements, as described in the TxCDBG Project Implementation Manual, regardless of whether the required compliance is based on received funds other than TxCDBG awards. (For audit requirements, see 4 TAC §30.6); and

(7) Other application requirements. Other threshold requirements relevant to a particular fund category may be included in the applicable application guidelines.

Basic Eligibility Documentation Requirements

Resolutions

Application Resolution

TxCDBG applications require a resolution from the local governing body (i.e., County Commissioners Court or City Council) authorizing the submission of that application. The governing body must adopt/pass the resolution before the application submission and after the application public hearing. Failure to comply with this resolution requirement may result in disqualification of the application.

The language of the resolution must, at a minimum:

1. Authorize the submission of an application for funding under the Texas Community Development Block Grant Program;
2. Designate the fund category under which the application is to be considered;
3. Designate the activities addressed in the application;
4. Designate the dollar amount being requested;
5. Commit to the provision of resources by source and use (if applicable) in support of the proposed project activities, including the specific source (e.g., General Fund, Water/Sewer Fund, General Obligation Bonds) and use of those resources; and
6. Commit to compliance with all federal, state, and program requirements, including environmental review, labor standards, procurement, acquisition of property, civil rights, and administrative requirements.

In the event that an applicant is partnering with another entity or service provider (e.g. water supply corporation, locality providing service to the project area, etc.) that will own or operate the proposed improvements, TDA will request a cooperative agreement outline the responsibilities between the applicant and the partnering entity or entities, upon award.

Signatory Resolution

TxCDBG applications and grant agreements require a resolution from the local governing body (i.e., County Commissioners Court or City Council) authorizing specific individuals and/or positions to take action on behalf of the community. (To allow for local changes in personnel, TDA recommends identifying the signatories by position.)

The language of the resolution must, at a minimum:

1. Designate a person(s) and/or position(s) (e.g., County Judge, County Commissioner, City Manager, or Mayor) who will be authorized to execute documents in conjunction with the application, and any resulting grant agreement, and
2. Designate a person(s) and/or position(s) (e.g. Finance Director, City Secretary, County Auditor) who will be authorized to execute financial documents, including payment requests, in conjunction with the application, and any resulting grant agreement.

Once the Signatory Resolution is adopted and submitted to TDA-GO, the community may continue to rely on the same resolution for subsequent TxCDBG applications. The community may provide an updated resolution

at any time as local needs change. Only those named in the resolution will be permitted to take action in TDA-GO on behalf of the community.

For sample resolutions, see Appendix V: Public Participation Form/Document Samples.

Published Notices of Public Hearing and Application Activities

Prior to the preparation and submission of an application for TxCDBG funds, each applicant must hold at least one public hearing and publish a notice that describes the application activities and the availability of the application(s) for public review.

Public Hearing

The public hearing gives the public information about the Texas Community Development Block Grant Program and eligible program activities, as well as opportunities to participate in the development of the applicant's community development and housing needs and the development of TxCDBG applications.

To satisfy the requirements of the application:

1. The public hearing must occur **prior** to the adoption of the local government resolution authorizing the submission of the application.

TDA recommends conducting one public hearing per year to address current needs and identify potential future funding opportunities. For all TxCDBG grant applications for Program Year 2023 funding, a public hearing conducted on or after September 1, 2022, will be accepted unless the hearing notice limited the topic of discussion to specific funding categories.

2. The applicant must issue a public notice providing at least 72 hours notice to community residents of the upcoming hearing. The public hearing and notice must comply with the Public Participation requirements, as described in the *TxCDBG Project Implementation Manual, Chapter I Administration and Reporting*, and found in Appendix V.
3. The public hearing must address the following topics:
 - The development of housing and community development needs, including—
 - current supply of affordable housing and past efforts to increase supply,
 - current social services available to residents and what needs and/or populations remain underserved, and
 - current condition of public infrastructure (water/sewer/streets/drainage/accessibility/etc.) and efforts to improve these conditions;
 - The anticipated funding opportunities for which the needs identified through this process may be considered, including —
 - name of funding opportunity,
 - anticipated amount of funding available, and
 - whether the proposed funding will meet the national objective of benefit to low-to-moderate income persons;
 - All eligible activities under the Texas Community Development Block Grant Program;
 - The applicant's use of past TxCDBG grant funds, if applicable; and
 - The plans of the locality to minimize displacement of persons and to assist persons actually displaced as a result of activities assisted with TxCDBG funds, if applicable.

4. Local organizations that provide services or housing for low-to-moderate income persons, including the local Public Housing Authority, the local Health and Human Services office, the local Mental Health and Mental Retardation office, and other local service providers such as Faith-Based organizations, must receive written notification concerning the date, time, location and topics to be covered at the public hearing. Send this notification to service providers serving the jurisdiction's residents – if a local office is located in the community, then that office should receive the notification. If a local office is not located in the community, send the notification to the local or regional office location that serves the jurisdiction's residents.

Application Notice

An applicant must provide reasonable notice of the availability of a proposed application in order to afford affected citizens an opportunity to examine the application's contents to determine the degree to which they may be affected and to submit comments on the proposed application. TDA recommends making copies of the proposed application available at libraries, government offices, and public places.

1. The applicant must issue a public notice that includes the following information:
 - The TxCDBG fund categories for which applications will be submitted,
 - The amount of TxCDBG funds requested in each application,
 - A short description of the proposed project activities in each application,
 - The locations of the project activities included in each application, and
 - The location and hours when the application will be available for public review.
2. To satisfy the requirements of the application, the public notice of application must be issued:
 - After a complete copy of the application, including all attachments, has been prepared and made available for public review;
 - After adoption of the local government resolution authorizing the submission of the application; AND
 - At least five (5) days prior to the submission of an application for TxCDBG funds.
3. In the preparation of the final application, the community shall consider comments and views received related to the proposed application and may, if appropriate, modify the final application prior to submission of the application to TDA. The final application shall be made available to the public.

Citizen Participation Documentation

Public notices under this section must be issued and documented in **one** of the following ways:

1. Publish the notice in a newspaper of general circulation;
 - TDA will accept the full newspaper page on which the notice occurred. A photocopy of the page will also be accepted only if the required information is visible without cutting or folding the newspaper page. The publication text, title, date of publication, name of the newspaper, and page number must be clear and readable.
 - A clipping of the public notice from the newspaper page must be supported by affidavit. The original newspaper tear sheet (or a photocopy of the notice and a publisher's affidavit) must be kept with the Grant Recipient's local file for the public, TDA monitors, and other state or federal inspectors.

OR

2. Post the notice in at least two public places accessible to the general public at the time of the posting; it must include the courthouse/city hall and a location within the target area (if applicable);
 - Posted notices must be in a location accessible to the general public at the time of the posting. The Public Notice must include all required information in English and any other appropriate language(s)

per the recipient's Limited English Proficiency (LEP) plan. See Chapter 10 *Civil Rights* (Chapter Ten (10) of the TxCDBG Project Implementation Manual).

- Legible photographs showing the location of the posting are required.
- The posting must be supported by affidavit.

OR

3. Post the notice in one public place accessible to the general public at the time of the posting, such as the courthouse/city hall, and post on Grant Recipient's website.
 - Screen shots of the posting with the computer date stamp visible must be retained as documentation of the posting.
 - Posted notices must be in a location accessible to the general public at the time of the posting. The Public Notice must include all required information in English and any other appropriate language(s) per the recipient's Limited English Proficiency (LEP) plan. See Chapter 10 *Civil Rights*.
 - Legible photographs showing the location of the posting are required.
 - The posting must be supported by affidavit.

TDA recommends verifying that the public notices are published on the correct days, as well as allowing sufficient time for publication and public hearing issues to be resolved rather than completing these steps just prior to submitting the application.

In addition, the applicant must provide a listing of the local service providers that received written notification of the public hearing. Copies of the written notifications must be kept by the applicant and will be reviewed by TDA staff during site visits.

Evidence of Active SAM Registration

TxCDBG applicants must demonstrate an active registration in the System for Award Management (SAM) to be eligible for funding. The applicant shall include a screen-shot from the SAM website at <https://sam.gov> verifying the entity's registration is active. Without evidence of an active SAM registration, the application is ineligible to receive HUD funds and will be disqualified.

Financial Capacity

TxCDBG applicants must demonstrate the financial capacity necessary to be responsible for grant funding. In lieu of a copy of the community's annual audit as required by the Texas Local Government Code:

- As part of the application process, the applicant must indicate its willingness to adhere to financial management controls included in any resulting grant award; and
- If recommended for funding, the community must complete a Financial Capacity Self-Assessment to be used by TDA in a risk analysis prior to releasing any grant funds. If determined to be necessary, conditions may be included in the grant agreement to ensure appropriate financial management capacity. These conditions may be as modest as additional documentation of authority, or as significant as a requirement to allow a third party local government to manage grant funding for high risk communities.

Project-Specific Documentation Requirements

Project Maps including Census Maps

Maps are a key component in determining the eligibility of a project. All required maps must clearly identify the location of work to be performed.

Each application for TxCDBG funding must include a project map(s), which clearly shows all of the following information on the same map:

- The boundaries of the applicant's jurisdiction;
- Location(s) of the benefit area(s); and
- Location(s) of all proposed project activities (e.g., sewer/water lines, lift stations, street pavement, water storage tanks, water wells, wastewater treatment plants, public facility improvements, etc.)

Note: applications for planning-only activities (CPC and RED programs) should identify the planning area (the geography that is considered in the development of the plan and will benefit from the plan's implementation).

The applicant, with the advice of the project engineer, is responsible for identifying the benefit area based on appropriate criteria independent of income documentation.

Example: The benefit area of a project to improve sewer main trunk lines includes all residents of property whose sewer collection lines flow into the new or replaced trunk lines en route to the treatment plant – even if the project qualifies to document beneficiaries based on LMISD data, the benefit area based on the collection lines, as defined in the *Guide to Meeting a National Program Objective*, must be clearly identified on each map separately from the boundaries of the census geography.

Applicants using HUD-Census-based data (LMISD) to document project beneficiaries must provide a map(s) that clearly shows all of the following information on the same map:

- Census geographic areas (e.g., census tracts, block numbering areas, block groups) used to document project beneficiaries, including clearly legible numbering for each geography;
- Location(s) of the benefit area(s); and
- Location(s) of all proposed project activities (e.g., sewer/water lines, lift stations, street pavement, water storage tanks, water wells, wastewater treatment plants, public facility improvements, etc.).

In addition, applicants requesting a project within a floodplain should submit a FEMA Flood Map with the project location identified. If this map documents that any part of the project is located in a flood way, the applicant must provide evidence that the project is eligible for consideration in accordance with 24 CFR §55.1(c). Maps are available at <https://msc.fema.gov>.

Maps must be reproducible. Care should be taken in copying maps so that project activities designated by a colored mark are still identifiable.

Applicants are advised to note any property owners who may be in and/or adjacent to the benefit area to ensure that no potential conflict of interest exists. (See the *"Conflict of Interest"* section of this Guide) Identification of property owners is not required to be noted or submitted with the application, but failure to identify potential conflicts of interest may be subject to the sanctions described in the *"False Information on Applications"* section of this guide.

Documentation of Beneficiaries

Each application for TxCDBG funding must include clear documentation of the persons served by the project for each benefit area. Detailed instructions are provided in Part I above, the *2023 Survey Methodology Manual*, and the *TxCDBG Guide to Meeting a National Program Objective*.

Documentation of Match

While other resources are strongly encouraged, the commitments for these matching funds must be fully documented as to source, type, use, and minimum dollar amount before they can be considered in the scoring of an application.

The following guidelines serve to clarify the type of match acceptable under the Texas Community Development Block Grant Program. Acceptable types of match can be any of the following:

1. Cash only;
2. In-kind personnel services/equipment use;
3. On hand materials or supplies;
4. Land; or
5. Any combination of the above.

Basic Principles

Funds expended prior to the application deadline will not count as matching funds.

Match funds are valid only if committed for activities proposed for funding with TxCDBG funds and the match will be used in the same benefit areas as the TxCDBG funds, or the match will be used for activities that are directly related to supporting the activities proposed for TxCDBG funding.

Example #1 - An applicant proposes a water line replacement project in two different benefit areas. TxCDBG funds will finance the improvements in one benefit area and the applicant's match will be used to finance the improvements in the other benefit area. The applicant had already budgeted local funds for the water improvements in the applicant financed benefit area and did not claim any of the persons located in this benefit area as project beneficiaries. This match would not be considered because it is not committed to the TxCDBG financed benefit area beneficiaries, nor is it committed to the proposed TxCDBG-funded water improvements.

Example #2 - An applicant proposes water line replacement and street paving activities in the same benefit area and proposes that TxCDBG funds finance the water improvements and the applicant's match will finance the street paving improvements. Even though the match is committed to the same benefit area, this match would not be considered because the match is not committed to the TxCDBG-funded water activity. The applicant could complete the street paving improvements without TxCDBG funds.

Example #3 - An applicant proposes water line replacement and street paving activities in the same benefit area and proposes that TxCDBG funds finance 80% of water improvements costs and 50% of the street paving costs. The applicant's match will finance the remaining 20% and 50% of these activities. The applicant's match is allowed because it is committed to the same benefit area and activities proposed for TxCDBG funding.

Example #4 - An applicant proposes a sewer system improvements project that includes acquisition of easements and a site for a lift station. TxCDBG funds will finance 100% of the sewer system construction improvements and the applicant's match will finance 100% of the acquisition, engineering, and administrative costs related to the delivery of the construction improvements. This match is considered allowable because the acquisition, engineering and administrative costs are directly related to the TxCDBG funded sewer construction activity.

Example #5 - An applicant proposes to provide first-time water service in a project area where 90% of the households are low-to moderate-income households. Only applicant's (or other entity's) funds in support of rehabilitation activities benefiting low- to moderate- income households are considered matching funds. Any applicant's (or other entity's) funds used to provide first-time water service to the 10% non-low-to moderate-income households are NOT acceptable as matching since they do not support an eligible TxCDBG activity.

All resources committed in an application and considered in the scoring of that application must be provided in the event that the project is selected for funding. If these resources are not made available, the locality may be subject to

the sanctions described in the *“False Information on Applications”* section of this guide. If a grant is awarded, the matching funds committed in the grant application will be included in the grant agreement, establishing a contractual match ratio used to calculate the maximum amount of grant funds to be disbursed for actual costs.

Additionally, the use of other funds (e.g., federal, state, or local) in conjunction with TxCDBG funds generally triggers a series of compliance requirements that might not be applicable if those funds were to be used independently. These requirements include but are not limited to environmental review, labor standards, real property acquisition (including easements), prohibition of special assessments, and financial management procedures.

Source of Match

Local Resources

Local government resource commitments must be made in the form of a Resolution from the City Council or County Commissioners Court. This resolution should indicate, at a minimum, the type of resource (e.g., land, labor, materials, money, etc.) and the source, a minimum dollar value to be provided, and for what purpose(s) this resource will be used. Please note that local match can only be counted for expenditures, which would not occur if the proposed application is not funded, with the exception of local funds expended for consultant engineering and administrative services.

Resource commitments provided by other local entities (e.g., public housing authority, special utility districts, private financial institutions or other similar sources leveraging loan funds with a local housing rehabilitation program or other TxCDBG-eligible activity) must be documented in a letter signed by a person authorized by that entity to make such a commitment. This letter should identify the type of resource, a minimum dollar value, and for what purpose this resource will be used. Applicants who are unsure about the eligibility of a commitment from other local entities should contact TDA staff.

Other State or Federal Resources Commitments for other State or Federal funds (e.g., Texas Water Development Board, USDA) must be supported by a grant/loan offer, grant award letter, etc., signed by a person authorized to make such a commitment for that agency for an activity directly related to activities included in the TxCDBG funding request. Evidence of State or federal funding must include identification of the resource, a minimum dollar value, and the purpose for which this resource will be used. These resources cannot have been expended before the application is submitted.

United States Department of Agriculture Rural Development (USDA-RD): TxCDBG will accept matching funds from the USDA-RD Programs for TxCDBG applications only if the applicant has submitted the preliminary application for the USDA-RD grant or loan matching funds to USDA prior to the TxCDBG application deadline.

Texas Water Development Board (TWDB): TxCDBG will accept matching funds from the TWDB programs for TxCDBG applications only if the applicant has submitted the preliminary application or the required questionnaire for the TWDB grant or loan matching funds to the TWDB prior to the TxCDBG application deadline.

Commitments of State or Federal funds not restricted to a particular project (e.g., American Rescue Plan Act funds) must be supported by documentation of the amount of such assistance provided to the community AND a letter signed by the local authorized official confirming that the funds have not and will not be dedicated to any purpose other than the TxCDBG project while the application is pending.

Non-Cash Match

Match is acceptable only if the applicant has used an acceptable and reasonable method to document the value of the match. Except for cash match, the applicant must provide an attachment/schedule to Table 2, Budget Justification, which shows how the value of each type of match was determined. The following documentation is acceptable:

Force Account Labor (in-kind service)

The value of force account labor match must be based on the estimated TxCDBG grant-related construction hours to be worked by force account workers and the hourly wages to be paid and cannot be based on labor costs estimated through the bid/contract method.

The applicant must provide an attachment/schedule that shows how the value of the match was determined (number of estimated grant-related construction hours multiplied by the hourly wage rates paid for each worker). Documentation regarding this information should be included.

Administration/Engineering (in-kind service)

The value of in-kind administration and engineering match must be based on the estimated TxCDBG grant-related hours to be worked by administrative/engineering staff and the hourly wages or salary to be paid and cannot be based on a percentage of the project cost method or on an estimated cost of the service(s) if an administrative/engineering consultant(s) were hired.

The applicant must provide an attachment/schedule that shows how the value of the match was determined. The schedule should include the estimated grant-related staff-work hours multiplied by the hourly wages or salary to be paid and the estimated value of other TxCDBG-eligible administration/engineering costs (e.g., materials, supplies, bonding, postage, audits, plans/specifications, construction mapping, etc.). If you are unsure about the eligibility of any administrative or engineering costs, please contact TDA staff for a determination.

Equipment Use (in-kind)

The value of in-kind equipment use match for equipment owned by the locality must be based on a use allowance or depreciation (both cannot be used for the same piece of equipment) and cannot be based on the estimated rental cost of such equipment if already owned by the locality.

To document the value of estimated in-kind equipment use match based on a use allowance, the applicant may use equipment hourly rates and mileage rates established by the Federal Emergency Management Agency (available from TxCDBG under separate cover).

Depreciation value may be used only if the equipment is not already fully depreciated and the schedule is based on acquisition cost. The applicant must provide an attachment/schedule that shows how the value of the match was determined.

If determining value by use allowance, the schedule must include a list of the equipment (including the capacity or size of the equipment), the hourly use rate or mileage rate, and the number of estimated hours or miles that each piece of equipment will be used on project related activities.

If determining value based on depreciation, the schedule must include a list of the equipment, the depreciation schedule, and the acquisition cost of each piece of equipment.

On Hand Materials and Supplies

The value of materials/supplies to be provided by the applicant, and already owned by the applicant, must be based on the purchase price of the materials/supplies at the time of purchase and cannot be based on the current purchase price of such materials and supplies.

The applicant must provide an attachment/schedule that shows how the value of the match was determined. The schedule must include a list of the materials/supplies to be provided by the applicant, the number of units and the unit price acquisition cost of each material/supply.

Donated Land

The value of certain property that is necessary and donated for the project may be claimed as matching funds as long as the donated property changes hands, i.e., a city cannot donate property to itself as a match. The value of easements, rights-of-way, property associated with existing locations for the same infrastructure system, or similar property donation will not be considered as matching funds.

The value of land donations of public or private property must be based on an independent appraisal report establishing the fair market value or on the purchase price of the property at the time of purchase.

Either way, the value claimed must be based on the amount of property actually needed for the project (e.g., the applicant cannot claim the value for a 200-acre tract of land if only one acre is needed for the project).

The applicant must provide the appraisal report or deed of purchase establishing the value of the property needed for the project.

Waiting List and Selection Guidelines for Housing Activities (If Applicable)

Applicants with projects that include the provision of housing rehabilitation, first-time on-site sewage facilities (OSSF), replacement of on-site sewage facilities, or scattered first-time water or sewer service yard lines (that are not associated with the installation of a main trunk line) must provide a waiting list of residents that have indicated a need and willingness to participate in the program. At a minimum, this waiting list must include the addresses and LMI status of the potential beneficiaries. The waiting list must not be based on the applicant's unconfirmed estimate of need, but may be based on local records of requested assistance, participation in a local program to address housing needs, interest following a public meeting, or similar identification of local housing needs.

Additionally, the applicant must also submit a **draft** of the selection guidelines which will govern the selection process of the households that will receive benefit. Samples of housing rehabilitation and OSSF guidelines can be found in the TxCDBG Project Implementation Manual on the TDA website. If the applicant has already received TDA approval for the same activity and benefit area, include a copy of the approval documentation with the guidelines.

Jurisdiction of Applications

The applicant (city or county) requesting TxCDBG funding must have jurisdiction to provide oversight for the project. Specifically, the project beneficiaries must reside within the applicant's jurisdiction.

Partnering Jurisdictions

If only a portion of the project beneficiaries are located within the applicant's jurisdiction, the applicant must partner with another eligible unit of general local government that has jurisdiction.

- In addition to the public participation requirements for the applicant, each participating jurisdiction must provide an opportunity for public comment. The partnering jurisdiction may conduct a separate public hearing, or may participate jointly in the applicant's public hearing where the housing and community development needs of each community is addressed.
- Each partnering jurisdiction must provide a written statement acknowledging the proposed project and granting the applicant authority to conduct a project that will benefit the partnering jurisdiction's residents. Best Practice: The applicant and each participating jurisdiction may enter into an interlocal agreement, outlining the responsibilities of each participant and establishing the applicant's authority to implement the project outside its own jurisdiction. See Appendix V for a sample agreement.
- All jurisdictions participating within the application must not be suspended from participation in the TxCDBG program due to Settlement Agreement, grant agreement special condition, or similar sanction. For example, if

a city and county are partnering on an application and the city is currently ineligible due to past performance issues (not including Progress Thresholds), the application is ineligible.

- For projects with multiple benefit areas, the application must establish a NPO for each benefit/service area, regardless of jurisdiction. For example: a Water Supply Corporation (WSC) provides service inside city limits and in the unincorporated county. Rehabilitation of the water well shall benefit both city and county residents and shall be considered one benefit area. Additionally, residential water lines will be replaced in an unincorporated area of the county and shall be considered a separate benefit area. Appropriate beneficiary documentation must be provided for both benefit areas.
- For activities with a single benefit area due to their nature, such as the sewage treatment plant that would serve each of the participating jurisdictions, the application should consider this a single benefit area.

Partnering with an applicant will not prevent the partnering jurisdiction from submitting a separate, unrelated application in the same round of funding, so long as:

- projects in separate applications do not serve the same (or substantially the same) benefit area; and
- projects in separate applications will not be conducted in the same physical location.

TDA will make the final decision for any benefit areas and/or locations determined to be substantially the same.

Examples:

- Construction of a library that will serve all county residents, including residents of incorporated cities (Cities of A, B, and C) within the county. The library shall be located in City B.
 - The county has jurisdiction over all county residents and may apply without establishing the cities as partners, OR
 - Since the project is located in City B, the city has jurisdiction over the project and may apply after establishing the County as a partnering jurisdiction. The County may then submit a separate unrelated application.
- Water improvement project that will serve residents of both County A and County B.
 - Either county may apply, but must establish the other county as a partnering jurisdiction.
 - The county not submitting the application may apply for a separate unrelated project.
- Improvements to a Wastewater Treatment Plant that serves residents of City A and its ETJ.
 - Either the City or the County may apply for funding, as both have jurisdiction over the service area and beneficiaries.
- Improvements to a Water Treatment Plant that serves residents of City A and its ETJ – improvements to the main pump station are submitted by City A, while County B requests funding to replace the clarifier.
 - Even though the plant may require extensive investment and there are two viable applicants, only one application will be accepted to improve the plant or provide other system-wide benefits. If both are submitted, TDA will require the two entities to choose which application to withdraw prior to scoring being completed.
- Water improvements for a Water District – City A requests line replacement within the city limits, while the County will construct a new water well to serve the entire district.
 - TDA must evaluate the Benefit Areas for substantial overlap. If determined to not serve substantially the same Benefit Area, both applications may be submitted without requiring a partnering jurisdiction.

Other Program Policies

Local Certifications

Each applicant for TxCDBG funding must certify by electronically signing the TDA-GO application certification form (i.e. 424 Form) that it has adhered to the Local Certifications included in this application guide in the preparation of any TxCDBG application. Adherence to these certifications must be ongoing in the event that the application is successful. Only the Authorized Official designated in the Signatory Resolution is authorized to complete the certification.

With respect to the expenditure of funds provided under a Texas Community Development Block Grant agreement, each TxCDBG Grant Recipient is required to certify that:

1. It will minimize displacement of persons as a result of activities assisted with such funds.
2. The program will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§2000d et seq.) and the Fair Housing Act (42 U.S.C. §§3601-20), and that it will affirmatively further fair housing, as specified by TDA.
3. It will provide opportunities for citizen participation, hearings and access to information with respect to its community development programs, and that it is following the TxCDBG Citizen Participation Plan.
4. It will not attempt to recover any capital costs of public improvements assisted, in whole or in part, with such funds by assessing any amount against properties owned and occupied by persons of low-to-moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements unless: (A) such funds are used to pay the proportion of such fee or assessment related to the capital costs of such public improvements that are financed from revenue sources other than such funds; or (B) for purposes of assessing any amount against properties owned and occupied by persons of low-to-moderate income who are not persons of very low income, the Grant Recipient certifies that it lacks sufficient funds under this agreement to comply with the requirements of clause (A).
5. It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and Federal implementing regulations at 49 CFR Part 24, and the requirements of section 570.606 including the following of a residential anti-displacement and relocation assistance plan, as specified by TDA, in the event that displacement of residential dwellings will occur in connection with a project assisted with TxCDBG funds.
6. It has adopted or will adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations and enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction.
7. To the best of the TxCDBG Grant Recipient's knowledge and belief, no Federal appropriated funds have been paid or will be paid, by or on behalf of the TxCDBG Grant Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
8. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the TxCDBG Grant Recipient shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
9. The TxCDBG Grant Recipient must require that the language of this certification be included in the award documents for all sub-awards at all levels (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

False Information on Applications

The actions listed below may be taken, on a case-by-case basis, where TDA finds that an applicant provided false information in its application for TxCDBG funding.

If the applicant provides false information in a TxCDBG Fund application that has the effect of increasing the applicant's competitive advantage, or false beneficiary information that increases the number or percentage of potential beneficiaries, TDA TxCDBG staff shall make a recommendation for action to the Director of the State TxCDBG Program.

Actions that the Director may make include, but are not limited to:

1. Disqualification of the application and holding the locality ineligible to apply for TxCDBG funding for a period of at least one year not to exceed two program years.
2. Even if an award has been made, the locality may be liable for funds expended if adjustment to the scores would have resulted in a change in rankings for the purpose of funding.
3. Holding the locality ineligible to apply for TxCDBG funding for a period of two program years or until any issue of restitution is resolved, whichever is longer.

An applicant may appeal a decision of the State TxCDBG Director by filing an appeal with the Administrator for Trade and Business Development.

Appeals Process

An appeal may only be filed based on a denial or disqualification of an application for TXCDBG funding as a result of procedural errors by Department staff. All other decisions regarding contracts and grant administration are final. 4 Tex. Admin Code § 30.8(a)(1).

The request for appeal must be submitted in writing and postmarked, or received by the Department if submitted by email, on or before 5:00 p.m. Central Time not later than fifteen (15) days after the receipt, or deemed receipt, of the notice of denial or disqualification. The request for appeal must clearly identify the action being appealed, include a statement of facts or other pertinent information to support the appeal, and include a copy of the notice of denial or disqualification. 4 Tex. Admin Code § 30.8(b)(3).

The preferred method of delivery of a request for appeal is via email. Emails should clearly indicate in the subject line that they include a request for an appeal of a TxCDBG denial or disqualification, be addressed to the TDA Hearings Office, and sent to the following email address: tdahearingsoffice@texasagriculture.gov.

Additional requirements and procedures governing appeals based on denials and disqualifications of applications for TxCDBG funding, are provided in 4 Tex. Admin Code § 30.8.

Part III. General CDBG Federal Requirements

Eligible Applicants

Eligible applicants are non-entitlement units of general local government, incorporated cities and counties not participating or designated as eligible to participate in the entitlement portion of the federal Community Development Block Grant Program. Non-entitlement cities that are not participating in urban county programs through existing participation agreements are eligible applicants unless the city's population counts toward the urban county CDBG allocation.

Non-entitlement cities are located predominately in rural areas and are generally:

- cities with populations of less than 50,000 persons;
- cities that are not designated as a central city of a metropolitan statistical area; or
- cities that are not participating in urban county programs.

Non-entitlement counties are also predominately rural in nature and generally have fewer than 200,000 persons in the non-entitlement cities and unincorporated areas located in the county.

While non-entitlement units of general local government are the only eligible applicants for TxCDBG funding, these applicants may submit applications that will provide benefits through other sub-recipient groups serving the jurisdiction.

For example, a county could submit an application for water distribution line improvements to a water system that is owned and operated by a public utility district. The improvements themselves would become the property of the public utility district, but the programmatic and fiscal compliance responsibilities would remain with the applicant (the county).

As another example, a city could submit an application for the construction of a building to house a social services agency providing primary benefit within the city. Again, the facility could be placed under the control of the agency (through title transfer or lease arrangement), but compliance responsibilities would remain with the city.

Eligible Activities

TxCDBG eligible activities include:

- Water System Improvements
- Wastewater System Improvements
- Drainage Improvements
- Housing Rehabilitation
- Gas System Improvements
- Road/Street Improvements
- Fire Protection Facilities
- Accessibility Improvements to Public Buildings
- Solid Waste Disposal/Landfills/Transfer Stations
- Community/Senior/Social Service Centers
- Shelters for Persons With Special Needs

Additional guidance and further definition concerning eligible and ineligible activities for some of the TxCDBG eligible activities are included in Section 105(a) of the Housing and Community Development Act of 1974 (HCDA).

Ineligible Activities

In general, any type of activity not described or referred to in Section 105(a) of the HCDA, as amended, is ineligible for TxCDBG funding. Specific ineligible activities under the TxCDBG Program include:

- Construction of buildings and facilities used for the general conduct of government (e.g., city halls and courthouses). The only exception is for improvements made to these buildings solely to provide complete access for elderly persons and persons with severe disabilities;
- Financing of political activities;
- Purchase of construction equipment;
- Income payments, such as housing allowances;
- Activities in a floodway may be ineligible; see Implementation Manual, Chapter 3 for specific guidance;
- New housing construction; and
- Operation and maintenance expenses of public facilities, improvements and services, including activities identified through the environmental review as maintenance activities.

Various methods used to identify specific sections of wastewater line that require maintenance to reduce or eliminate the amount of inflow or infiltration routed to the treatment facilities, such as smoke testing, televising (TV'ing), and line cleaning (vacuuming, jetting, etc.), are considered maintenance tools. The process of identifying benefit areas for wastewater line replacement must be completed prior to the submission of an application in order for the scope of the project to be fully identified and to expedite construction completion. Similar methods may also be used as a part of construction and inspection of the new lines. Maintenance tools will not be accepted as a CDBG eligible activity in an application, and such costs will be eliminated from the application. Sludge removal from a wastewater facility may be considered eligible if additional documentation is provided in the application to indicate why it is not an operation and maintenance expense.

Minority Participation/Local Opportunity

The TxCDBG program encourages localities to affirmatively take action to utilize small, minority (MBE) and women-owned (WBE) businesses, whenever possible. Although funded localities are not directly responsible for meeting a specific minority business participation goal, TxCDBG reports to HUD on the levels of MBE and WBE hiring under all CDBG agreements. To increase participation of small, minority and women owned-businesses, localities may use the Texas Comptroller of Public Accounts Historically Underutilized Business (HUB) Directory. Also, in accordance with Section 3 of the Housing and Urban Development Act of 1968, successful applicants using CDBG funding for housing or other public construction are required, to the greatest extent feasible, to provide training and employment opportunities to lower-income residents and contract opportunities to businesses in the project area.

Build America, Buy America

On November 15, 2021, the Build America, Buy America Act was enacted as part of the Infrastructure Investment and Jobs Act (IIJA). Pub. L. 117-58. The Act establishes a domestic content procurement preference for federally funded infrastructure projects, including “the construction, alteration, maintenance, or repair of infrastructure in the United States”. Grants funded under this 2023 Application Guide will be required to comply with the Build America, Buy America (BABA) provisions.

HUD guidance on implementation of the BABA provisions has not yet been published – TDA will update the TxCDBG Project Implementation Manual and other appropriate resources to reflect the available HUD guidance prior to execution of a grant agreement for applications submitted under this Application Guide.

Fair Housing Activities

Any locality receiving funds under the TxCDBG Program must certify that it will affirmatively further fair housing choice. Each funded locality must conduct at least one fair housing activity during the grant period, even if the locality is currently undertaking fair housing activities. Activities that qualify as affirmatively furthering fair housing include, but are not limited to, the following:

- Cities may pass a fair housing ordinance and publicize the existence of such an ordinance.
- Counties may adopt written fair housing policies and procedures that are equivalent to a fair housing ordinance and publicize the existence of such policies.
- The development of a strategy to pass a fair housing ordinance to be evidenced by public hearings and input from interested parties.
- The establishment of a written local complaint and monitoring process and notification to the public of its existence.
- The initiation of a fair housing counseling referral service that provides housing choices outside historically minority and/or low-to-moderate income neighborhoods to be evidenced by adoption of written procedures and publication of the availability of such service.
- The completion of a community-wide housing analysis to determine impediments to fair housing and actions to eliminate these impediments.
- The designation of April, or some other month, as Fair Housing Month through resolution or proclamation along with other activities to support fair housing.

In addition, communities that receive CDBG funds, chief elected officials, and third-party consultants may be required to have Fair Housing training. Training will be offered at both on-site workshops and state-wide webinars.

Conflict of Interest

Applicants to the TxCDBG Program must avoid, neutralize, or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the TxCDBG agreement or impact the integrity of the procurement process.

For the procurement of goods and services, no employee, officer, or agent of the Grant Recipient or subrecipient may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. (24 C.F.R. §570.489(g), Texas Grant Management Standards (TxGMS) promulgated by the Texas Comptroller of Public Accounts, 2 C.F.R. §200.318(c)(1)).

For all other cases other than the procurement of goods and services, non-procurement conflict of interest provisions are applicable to any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a TxCDBG grant or award, or that is required to complete some or all work under the TxCDBG grant in order to meet a National Program Objective, that might potentially receive benefits from TxCDBG awards.

Under these provisions, a conflict of interest would exist if an employee, elected official, or their family members receive benefit from an activity. For example, if a member of a mayor's family was selected to receive CDBG assistance or would benefit from or receive a CDBG award, abstention from voting does not clear the conflict of interest. Another example where a conflict of interest would exist (business ties) is a situation where a consultant, who is employed by an engineering firm, has been selected by a city to provide administration services for the TxCDBG grant and the city is considering the selection of an engineer from that same firm to provide engineering services for the TxCDBG grant.

TDA may grant an exception, upon written request from the Grant Recipient, to the non-procurement conflict of interest provisions on a case-by-case basis if TDA determines that such exception will serve to further the purpose of the TxCDBG project and the effective and efficient administration of the project. An exception may be considered only upon written request from the applicant that includes the following documentation:

- A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made.
- An opinion of the attorney for the applicant that the interest for which the exception is sought would not violate state or local law.
- Where the exception would provide a significant cost benefit or an essential degree of expertise to the project that would not be available otherwise.
- Whether an opportunity was provided for open competitive bidding or negotiation.
- Whether the person affected is a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception would permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class.
- Whether the person affected has withdrawn from their functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question.
- Whether the interest or benefit was present before the affected person was in the position as an employee, agent, consultant, officer, or elected official of the governing body, or of any designated public agencies, or sub-recipients that are receiving CDBG funds.
- Whether undue hardship will result to the city or persons affected when weighed against the public interest served by avoiding the prohibited conflict.
- Any other relevant considerations.

Federal Funding Accountability and Transparency Act (FFATA)

In September 2006, the President signed the Federal Funding Accountability and Transparency Act (FFATA) requiring the Office of Management and Budget (OMB) to develop a publicly available, free-of-charge, searchable website on federal funding. Federal funding includes grants, sub-grants, loans, awards, cooperative agreements, and other forms of financial assistance. On April 6, 2010, OMB issued a memorandum outlining responsibilities for State agencies making sub-awards with Federal funds.

Beginning October 1, 2010, TDA is responsible for reporting data on each TxCDBG award, which will be entered into the usaspending.gov database. This data includes the following:

- The name of the entity receiving the award;
- The amount of the award;
- Information on the award, including transaction type, funding agency, Catalog of Federal Domestic Assistance (CFDA) number, program source, and a descriptive award title;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, state, congressional district, and county; and
- The Unique Entity Identifier (UEI) number for the entity receiving the award – this number is assigned through SAM.gov.

Additional information deemed relevant by the OMB must also be provided, and all information is due no more than thirty days after a grant is awarded.

In addition, applicants must register on the System for Award Management (SAM) and entities must have an active registration to receive funding from HUD. Information on SAM registration is available at <https://www.sam.gov>.

Appendix II: TxCDBG Activity Code Reference Table

Code	Description
01	<p>Acquisition of Real Property Acquisition of real property that will be developed for a public purpose. Use code 01 for the CDBG-funded purchase of real property on which, for example, a public facility or housing will be constructed.</p> <p>When CDBG funds are used to:</p> <ul style="list-style-type: none"> • acquire a public facility that will be rehabilitated with CDBG funds and continue to be used as a public facility, assign the appropriate 03* code. • acquire housing that will be rehabilitated, use code 14G.
02	<p>Disposition of Real Property Costs related to the sale, lease, or donation of real property acquired with CDBG funds or under urban renewal. These include the costs of temporarily maintaining property pending disposition and costs incidental to disposition of the property.</p>
03A	<p>Senior Centers Acquisition, construction, or rehabilitation of facilities (except permanent housing) for seniors. 03A may be used for a facility serving both the elderly and the handicapped, provided it is not intended primarily to serve persons with handicaps. If it is, use 03B instead. For the construction of permanent housing for the elderly, use code 12; for the rehabilitation of such housing, use the appropriate 14* code.</p>
03D	<p>Youth Centers Acquisition, construction, or rehabilitation of facilities intended primarily for young people age 13 to 19. These include playground and recreational facilities that are part of a youth center. For the acquisition, construction or rehabilitation of facilities intended primarily for children age 12 and under, use 03M; for facilities for abused and neglected children, use 03Q.</p>
03E	<p>Neighborhood Facilities Acquisition, construction, or rehabilitation of facilities that are principally designed to serve a neighborhood and that will be used for social services or multiple purposes (including recreational). Such facilities may include libraries and public schools.</p>
03F	<p>Parks, Recreational Facilities Development of open space areas or facilities intended primarily for recreational use.</p>
03G	<p>Parking Facilities Acquisition, construction, or rehabilitation of parking lots and parking garages. Also use 03G if the primary purpose of rehabilitating a public facility or carrying out a street improvement activity is to improve parking. If parking improvements are only part of a larger street improvement activity, use 03K.</p>
03I	<p>Flood Drainage Improvements Acquisition, construction, or rehabilitation of flood drainage facilities, such as retention ponds or catch basins. Do not use 03I for construction/rehabilitation of storm sewers, street drains, or storm drains. Use 03J for storm sewers and 03K for street and storm drains.</p>
03J	<p>Water/Sewer Improvements Installation or replacement of water lines, sanitary sewers, storm sewers, and fire hydrants. Costs of street repairs (usually repaving) made necessary by water/sewer improvement activities are included under 03J. For water/sewer improvements that are part of:</p>

	<ul style="list-style-type: none"> more extensive street improvements, use 03K (assign 03K, for example, to an activity that involves paving six blocks of Main Street and installing 100 feet of new water lines in one of those blocks). a housing rehabilitation activity, use the appropriate 14* matrix code. <p>For construction or rehabilitation of flood drainage facilities, use 03I.</p>
03K	<p>Street Improvements Installation or repair of streets, street drains, storm drains, curbs and gutters, tunnels, bridges, and traffic lights/signs.</p> <p>Also use 03K:</p> <ul style="list-style-type: none"> for improvements that include landscaping, street lighting, and/or street signs (commonly referred to as “streetscaping”). if sidewalk improvements (see code 03L) are part of more extensive street improvements.
03L	<p>Sidewalks Improvements to sidewalks. Also use 03L for sidewalk improvements that include the installation of trash receptacles, lighting, benches, and trees.</p>
03M	<p>Child Care Centers Acquisition, construction, or rehabilitation of facilities intended primarily for children age 12 and under. Examples are daycare centers and Head Start preschool centers.</p> <p>For the construction or rehabilitation of facilities for abused and neglected children, use 03Q. For the construction or rehabilitation of facilities for teenagers, use 03D.</p>
03O	<p>Fire Stations/Equipment Acquisition, construction, or rehabilitation of fire stations and/or the purchase of fire trucks and emergency rescue equipment.</p>
03P	<p>Health Facilities Acquisition, construction, or rehabilitation of physical or mental health facilities. Examples of such facilities include neighborhood clinics, hospitals, nursing homes, and convalescent homes. Health facilities for a specific client group should use the matrix code for that client group. For example, use 03Q for the construction or rehabilitation of health facilities for abused and neglected children.</p>
03	<p>Other Public Facilities and Improvements Do not use this code unless an activity does not fall under a more specific 03* code. Also, do not use one activity for multiple facilities and then assign it an 03 because the types of facilities are different. One legitimate use of 03 is for activities that assist persons with disabilities by removing architectural barriers from or providing ADA improvements to government buildings (activities that otherwise would not be eligible for CDBG funding).</p>
04	<p>Clearance and Demolition Clearance or demolition of buildings/improvements, or the movement of buildings to other sites.</p>
05D	<p>Youth Services Services for young people age 13 to 19 that include, for example, recreational services limited to teenagers and teen counseling programs. Also use 05D for counseling programs that target teens but include counseling for the family as well. For services for children age 12 and under, use 05L; for services for abused and neglected children, use 05N.</p>
05L	<p>Child Care Services Services that will benefit children (generally under age 13), including parenting skills classes. For services exclusively for abused and neglected children, use 05N.</p>

05M	Health Services Services addressing the physical health needs of residents of the community. For mental health services, use 05O.
05R	Homeownership Assistance (not direct) Homeowner down payment assistance provided as a public service. If housing counseling is provided to those applying for down payment assistance, the counseling is considered part of the 05R activity. Assistance provided under 05R must meet the low/mod housing national objective. Therefore, unless the assistance is provided by an 105(a)(15) entity in a Community Revitalization Strategy Area (CRSA), it is subject to the public service cap and only low/mod households may be assisted. If the assistance is provided by a 105(a)(15) in a CRSA, the housing units for which CDBG funds are obligated in a program year may be aggregated and treated as a single structure for purposes of meeting the housing national objective (that is, only 51% of the units must be occupied by LMI households). For more extensive types of homeownership assistance provided under authority of the National Affordable Housing Act, use code 13.
05U	Housing Counseling Housing counseling for renters, homeowners, and/or potential new homebuyers that is provided as an independent public service (i.e., not as part of another eligible housing activity).
05	Other Public Services Do not use this code for public services activities unless an activity does not fall under a more specific 05* code. Examples of legitimate uses of this code are referrals to social services, neighborhood cleanup, graffiti removal, and food distribution (community kitchen, food bank, and food pantry services).
06	Interim Assistance Only for activities undertaken either to: <ul style="list-style-type: none"> • Make limited improvements (e.g., repair of streets, sidewalks, or public buildings) intended solely to arrest further deterioration of physically deteriorated areas prior to making permanent improvements. • Alleviate emergency conditions threatening public health and safety, such as removal of tree limbs or other debris after a major storm.
08	Relocation Relocation payments and other assistance for permanently or temporarily displaced individuals, families, businesses, non-profit organizations, and farms.
14A	Rehab: Single-Unit Residential Rehabilitation of privately owned, single-unit homes.
14A	Rehab: Single-Unit Residential Water Services First-time yardlines/service connections.
14A	Rehab: Single-Unit Residential Sewer Services First-time yardlines/service connections and on-site sewage facilities.
14B	Rehab: Multi-Unit Residential Rehabilitation of privately owned buildings with two or more permanent residential units. For the rehabilitation of units that will provide temporary shelter or transitional housing for the homeless, use 03C.
14C	Rehab: Public Housing Modernization Rehabilitation of housing units owned/operated by a public housing authority (PHA).
14D	Rehab: Other Publicly Owned Residential Buildings

	Rehabilitation of permanent housing owned by a public entity other than a PHA. For the rehabilitation of other publicly owned buildings that will provide temporary shelter or transitional housing for the homeless, use 03C.
14H	<p>Rehab: Administration All delivery costs (including staff, other direct costs, and service costs) directly related to carrying out housing rehabilitation activities. Examples include appraisal, architectural, engineering, and other professional services; preparation of work specifications and work write-ups; loan processing; survey, site, and utility plans; application processing; and other fees. Do not use 14H for the costs of actual rehabilitation and do not use it for costs unrelated to running a rehab program (e.g., tenant/landlord counseling).</p> <p>For housing rehabilitation administration activities carried out as part of general program administration (and thus not required to meet a national objective), use code 21.</p>
15	<p>Code Enforcement Salaries and overhead costs associated with property inspections and follow up actions (such as legal proceedings) directly related to the enforcement (not correction) of state and local codes. For the correction of code violations, use the appropriate rehabilitation code.</p>
16A	<p>Residential Historic Preservation Rehabilitation of historic buildings for residential use.</p>
16B	<p>Non-Residential Historic Preservation Rehabilitation of historic buildings for non-residential use. Examples include the renovation of an historic building for use as a neighborhood facility, as a museum, or by an historic preservation society.</p>
18A	<p>Economic Development: Direct Financial Assistance to For-Profits Financial assistance to for-profit businesses to (for example) acquire property, clear structures, build, expand or rehabilitate a building, purchase equipment, or provide operating capital. Forms of assistance include loans, loan guarantees, and grants. With one exception, a separate 18A activity must be set up for each business assisted. The exception is an activity carried out under 570.483(b)(4)(vi), for which job aggregation is allowed.</p>
19C	<p>CDBG Non-Profit Organization Capacity Building Activities specifically designed to increase the capacity of non-profit organizations to carry out eligible community revitalization or economic development activities. Such activities may include providing technical assistance and specialized training to staff.</p>
20	<p>Planning Program planning activities, including the development of comprehensive plans (e.g., a consolidated plan), community development plans, energy strategies, capacity building, environmental studies, area neighborhood plans, and functional plans.</p>
21A	<p>General Program Administration Overall program administration, including (but not limited to) salaries, wages, and related costs of grantee staff or others engaged in program management, monitoring, and evaluation. Also use 21A to report the use of CDBG funds to administer Federally designated Empowerment Zones or Enterprise Communities.</p> <p>For CDBG funding of HOME admin costs, use 21H; for CDBG funding of HOME CHDO operating expenses, use 21I.</p>

For a more comprehensive list of activity codes, go to:
(http://archives.hud.gov/offices/cpd/systems/idis/library/refmanual/ref_man_b.pdf)

Appendix III: Public Participation Form and Document Samples

Sample Application Resolution

RESOLUTION

A RESOLUTION OF THE [City Council/Commissioners Court] OF [City/County], TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE [COMMUNITY DEVELOPMENT FUND].

WHEREAS, the [City Council/Commissioners Court] of the [City/County] of _____ desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

[For Urgent Need Applications: WHEREAS, certain conditions exist which represent a threat to the public health and safety; and]

WHEREAS, it is necessary and in the best interests of the [City/County] of _____ to apply for funding under the Texas Community Development Block Grant Program;

WHEREAS, the [City/County] of _____, in consideration for the receipt and acceptance of federal funding if awarded, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections as follows:

- in accordance with Section 109 of the Title I of the Housing and Community Development Act (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, to take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;
- in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 75, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the Section 3 Service Area;
- in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), to adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;
- in accordance with Executive Order 13166, to take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;

- in accordance with Section 504 of the Rehabilitation Act of 1973, to not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and
- in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, to conduct at least one activity during the contract period of the TxCDBG contract, to affirmatively further fair housing; and

WHEREAS, the [City/County] of _____, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE [City Council/Commissioners Court] OF [City/County], TEXAS,

1. That a Texas Community Development Block Grant Program application for the [Community Development Fund] is hereby authorized to be filed on behalf of the County with the Texas Department of Agriculture.
2. That the County's application be placed in competition for funding under the [Community Development Fund].
3. That the application be for [\$350,000.00] of grant funds to provide [first-time water service].
4. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.
5. That it further be stated that the [City/County] of _____ is committing [\$25,000.00] from its [General Fund] as a cash contribution toward the administration activities of this [first-time water service] project.
6. The [City/County] of _____ [ADOPTS/REAFFIRMS] the following policies:
 - a. Citizen Participation Plan and Grievance Procedures (Form A1013);
 - b. Excessive Force Policy (Form A1003);
 - c. Fair Housing Policy (Form A1015).
 - d. *[If Grant Recipient employs 15 or more employees]*, Section 504 Policy and Grievance Procedures (Form A1004); and
 - e. Code of Conduct Policy (Form A1002).
7. The [City/County] of _____ affirms its commitment to conduct a project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:
 - f. Section 3 economic opportunity;
 - g. Limited English Proficiency; and

h. Activity to affirmatively Further Fair Housing choice.

Passed and approved this ____ day of ____, 20__.

Mary Smith, [County Clerk]
[City/County] of _____, Texas

John Doe, [County Judge]
[City/County] of _____, Texas

Sample Signatory Resolution

RESOLUTION

A RESOLUTION OF THE [City Council/Commissioners Court] OF [City/County], TEXAS AUTHORIZING [CITY/COUNTY] REPRESENTATIVES IN MATTERS PERTAINING TO THE [CITY/COUNTY]'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the [City Council/Commissioners Court] of [City/County] desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, it is necessary and in the best interests of [City/County] to participate in the Texas Community Development Block Grant Program; and

WHEREAS, the [City Council/Commissioners Court] of [City/County] is committed compliance with federal, state, and program rules, including the current TxCDBG Project Implementation Manual; and

NOW, THEREFORE, BE IT RESOLVED BY THE [City Council/Commissioners Court] OF [City/County], TEXAS:

That the [City Council/Commissioners Court] directs and designates the following to act in all matters in connection with any grant application and the County's participation in the Texas Community Development Block Grant Program:

- The [County Judge, Mayor, Mayor Pro-Tem, City Manager, etc.] shall serve as the [City/County]'s Chief Executive Officer and Authorized Representative to
 - execute a grant application and any subsequent contractual documents,
 - certify environmental review documents between the Texas Department of Agriculture and the City/County, and
 - certify the Payment Request form and/or other forms required for requesting funds to reimburse project costs, and
 - be assigned the role of Authorized Official in the TDA-GO grant management system.
- In addition to the above designated officials, should any grant be funded the [Mayor Pro-Tem, City Manager, City Secretary, City Council Member, County Clerk, County Auditor, County Treasurer, etc.] is authorized to
 - certify the Payment Request form and/or other forms required for requesting funds to reimburse project costs,
 - prepare and submit other financial documentation, and
 - be assigned the role of Project Director or Payment Processor in the TDA-GO grant management system.

Passed and approved this ____ day of _____, 20__.

Mary Smith, County Clerk
(XYZ) County, Texas

John Doe, County Judge
(XYZ) County, Texas

Sample Public Hearing Notice

Published on (July 15, 20XX):

PUBLIC HEARING NOTICE

[City/County] of _____ TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

[City/County] of _____ will hold a public hearing at 7:00 p.m. on November 4, 2022, at (XYZ) County Courthouse regarding the submission of an application to the Texas Department of Agriculture for one or more Texas Community Development Block Grant Program (TxCDBG) grants for Program Year 2023. [City/County] of _____ may be eligible to participate in the [Community Development Fund, Colonia Fund Construction Program, Colonia Economically Distressed Areas Program, and/or Downtown Revitalization Program]. The purpose of this meeting is to allow citizens an opportunity to discuss the citizen participation plan, the development of local housing and community development needs, the amount of TxCDBG funding available, all eligible TxCDBG activities, and the use of past TxCDBG funds. The [City/County] encourages citizens to participate in the development of TxCDBG application(s) and to make their views known at this public hearing. Citizens unable to attend this meeting may submit their views and proposals to (John Doe), County Judge at the County Courthouse. Persons with disabilities that wish to attend this meeting should contact the County Courthouse to arrange for assistance. Individuals who require auxiliary aids or services for this meeting should contact the County Courthouse at least two days before the meeting so that appropriate arrangements can be made. Para más información en español, comuníquese con [local contact name] al XXX-XXX-XXXX.

Sample – Application Activities Notice

Published on (September 26, 20XX):

PUBLIC NOTICE

(XYZ) COUNTY
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

(XYZ) County is giving notice of the county's intent to submit Texas Community Development Block Grant Program grant applications for a (Community Development Fund) grant request of (\$275,000) for (the installation of a sewer system) in the (community of XX). The application is available for review at the (XYZ) County Courthouse during regular business hours. Para obtener una copia en español, comuníquese con [local contact name] al XXX-XXX-XXXX.

Sample – Affidavit of Posting – Notice of Public Hearing and/or Application Activities Notice

AFFIDAVIT

THE STATE OF TEXAS

§

§

COUNTY OF _____

§

BEFORE ME, the undersigned authority, on this day personally appeared _____ [first and last name of person who will sign affidavit], who swore or affirmed to tell the truth, and stated as follows:

I, [Authorized Official], do hereby certify that pursuant to the laws of the State of Texas and of the [Applicant], a Notice publishing the [Document*] for Application No. [Application] was conspicuously posted at [Location] in a manner plainly visible to the general public on [first date of posting] through [final date of required posting]. Pursuant to TxCDBG program requirements, the notice has been posted in two locations:

Location of Posted Notice: [for example, lower left corner of east window of City Hall, or in the center of the north door of the County Courthouse, etc.]

Second Location of Posted Notice: [City's/County's website URL or second physical location]

Attached to this affidavit is a photograph of the Notice as posted on the premises in which the notice is legible, and screen shots of the web posting, if applicable.

.....

[Grant Recipient Signature and Title Date]

Signed this _____ day of _____, 20_____

Signature of Affiant

Printed Name of Affiant

Agreement No. _____

SWORN TO AND SUBSCRIBED BEFORE ME on this _____ day of _____, 20____.

Notary Public in and for the State of Texas

My commission expires: _____

Citizen Participation Plan:

TxCDBG Project Implementation Manual, Chapter 1 Administration and Reporting – Section 1.1.5 Public Participation

TxCDBG applicants and funded Grant Recipient are required to carry out public participation in accordance with the Citizen Participation Plan adopted for the TxCDBG Program. In this section, the term Grant Recipient includes applicants for TxCDBG funding. Each Grant Recipient certifies by signing a 424 Form that it has and will comply with the requirements of this Citizen Participation Plan.

Each Grant Recipient must maintain a citizen participation file that includes the applicant's complaint procedures, any technical assistance provided by the applicant, and public notices, minutes, and attendance lists for public hearings.

Complaint Procedures:

The Grant Recipient must have written citizen complaint procedures that provide a timely written response to complaints and grievances. Residents must be made aware of the location, days, and hours when copies of the plan are available.

Technical Assistance:

When requested, the Grant Recipient shall provide technical assistance to groups representative of persons of low-to-moderate income in developing proposals for the use of TxCDBG funds. The level and type of assistance shall be determined by the Grant Recipient based upon the specific needs of the community's residents.

Public Hearing Provisions:

A key component of the program is the opportunity for local residents to express needs and concerns regarding TxCDBG-funded projects to the Grant Recipient.

- The Grant Recipient must hold a public hearing prior to authorizing submittal of the grant application.
- If the project is funded, the Grant Recipient must hold a public hearing concerning any proposed substantial change, as determined by TDA, in the use of TxCDBG funds.
- Upon completion of the activities, the Grant Recipient must hold a public hearing and review its program performance, including the actual use of TxCDBG funds.

Public hearings, as required by the Request for Application Guides and *Chapters 11 and 12* and *Section B* of this manual, must comply with the following:

- Hearing must be held in a location convenient to the project beneficiaries.
- Hearing must be held at, or after, 5 p.m. on a weekday or on a Saturday or Sunday.
- Grant Recipient must provide accommodation for citizens with disabilities.
- Hearings should be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can be reasonably expected to participate. The Grant Recipient must adhere to its Limited English Proficiency Plan. See *Chapter 10*.
- Grant Recipient must provide notice of the hearing to citizens at least seventy-two hours (three days) prior to the scheduled hearing—including the date, time, location of the hearing, and the topics to be considered.

- Records related to the hearing must be made available to the public as required by Texas Government Code, Chapter 552. Required documentation includes the public hearing notice, sign-in sheet with a list of attendees, the minutes of the hearing, and a summary of public comment(s).

Public Notice Provisions:

Public Notices are required at several stages of the grant, as described in Request for Application Guides and *Chapters 3, 10, 11, and 12, and Section B of this manual.*

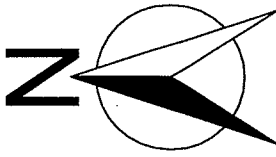
- Public Notice may be given in one of three ways:
 - Publish the notice in a newspaper of general circulation;
 - Post the notice in at least two public places accessible to the general public at the time of the posting; it must include the courthouse/city hall and a location within the target area (if applicable); OR
 - Post the notice in one public place accessible to the general public at the time of the posting, such as the courthouse/city hall, **and** post on Grant Recipient's website.
- Posted notices must be in a location accessible to the general public at the time of the posting.
- The Public Notice must include all required information in English and any other appropriate language(s) per the recipient's Limited English Proficiency (LEP) plan. See *Chapter 10 Civil Rights*.
- The Grant Recipient must retain documentation of the Public Notice:
 - **Published Notices** – TDA will accept either a copy of the notice or the full newspaper page on which the notice occurred. The publication text, title, date of publication, name of the newspaper, and page number must be clear and readable, and supported by affidavit. See *Sample Affidavit of Posting (Form A101)*. The original newspaper tear sheet or a photocopy of the notice and a publisher's affidavit must be kept with the Grant Recipient's local file for the public, TDA monitors, and other state or federal inspectors.
 - **Website Notices** – Screen shots of the posting with the date visible must be retained as documentation of the posting.
 - **Posted Notices** – Legible photographs showing the location of the posting are required.
 - **Posted Notices** – Must be supported by affidavit. See *Sample Affidavit of Posting (Form A101)*.

Item #10

SPLASH PAD

HIDALGO

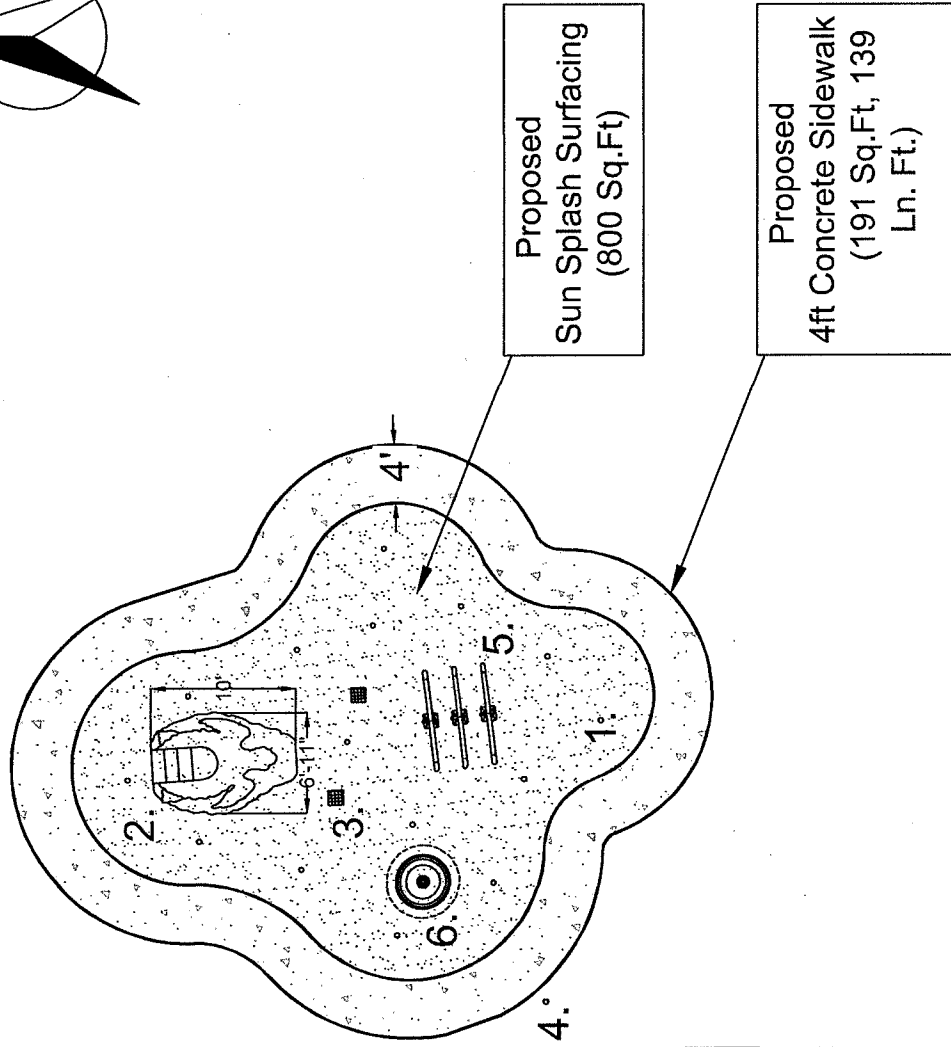
PARK.



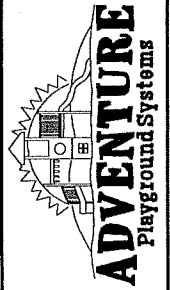
Splash Pad Equipment:

1. x15 LED Nozzles
2. Turtle Slide
3. (x2) Drainage Boxes
4. Activator Post
5. (x3) Water Loops
6. 60" Water Mushroom
7. 5' x 8' Manifold Concrete Pad

w/ Sun Splash Surfacing:
(800 Sq.Ft)



5' x 8' Manifold
Concrete Pad
(40 Sq. Ft.)



2D Layout A

Date: 12/2/2022

DRAWN BY: DP

City of Taft

TBD

CUSTOMER SIGNATURE & DATE:

SALES REP: Chris Contreras

Iventure Playground Systems
845 Church Lane
Houston, TX 77043
Office: 713.935.9684
Fax: 713.935.9633
www.ventureplay.com



Quote Number: Q-013257

Bill To
City of Taft
501 Green Ave
Taft, Texas 78390
Sid Arismendez
Phone: 361 528 3512
sidarismendez@cityoftaft.net

Date : 12/08/2022
Price Valid Until : 01/06/2023
Reference : Layout A -Splash Pad
Sales Person : Chris Contreras
Deposit : \$66,960

Ship To
Sid Arismendez
Contact: 361 528 3512
501 Green Ave
Taft, Texas 78390

SKU	Item & Description	Qty	Regular Price	Discount	Amount
Preliminary Pricing, Pricing Subject to Change on Site Visit					
1	Splash Pad - Flow Through (Drain Away) System 800 sq./ft. Plumbing for (15) LED surface nozzles and (5) above ground features, (800) sq./ft. concrete pad for splash pad and 40 sq./ft. for manifold, (2) drain box(s) with diverting valves (if applicable) zone manifold with solenoids single program electronic controller and labor, material and equipment to install splash pad	1.00 Each	68,306.00	0.00	68,306.00
2	SS Activator Post SKU : SP-SSRDS550 Color of Powder Coating	1.00	3,655.00	10.00%	3,289.50
3	Squirt The Turtle Aquatic Water Feature Fiberglass Value \$15,000 Free w/ Purchase of splash pad valued at \$85 or greater FIRST COME FIRST SERVE ONLY ONE IN STOCK	0.00	15,000.00	0.00	0.00
4	SS 7' Ring Set of 3 Stainless Steel, Powder Coated Flow Rate 20-25 GPM @ 10 psi Underground Footing Color of Powder Coating for each Ring: TBD	1.00	12,543.00	10.00%	11,288.70

SKU	Item & Description	Qty	Regular Price	Discount	Amount
5	SS Mushroom 60" SKU : SP-SS303 Water Pressure: Min.5 PSI Water Consumption 10-90 GPM Material: 4 1/2" 304L SS Finish: Powdercoat TGIC Inlet: 1 1/2"	1.00 Each	6,642.00	10.00%	5,977.80
6	Commercial LED Surface Nozzles Qty (6) Adjustable Nozzle and LED Ring Qty (3) Low Flow Jet and LED Ring Qty (3) Spider Jet and LED Ring Qty (3) Misty Jet and LED Ring	1.00	7,545.00	0.00	7,545.00
7	Sun Splash Aquatic Surfacing	800.00	5.85	0.00	4,680.00
8	Concrete Sidewalk SKU : CSW 991 sq/ft. Concrete Sidewalk 4' feet wide at 4 inch depth with 3000 psi concrete, 3/8 inch rebar at 18 inch on center, forms, materials, and labor turnkey with broom finish surfacing. Concrete required 28 days curing time.	191.00 Sq/Ft	10.65	0.00	2,034.15
9	Excavation SKU : EXC-01 Excavation of Dirt at 4" to Prep Area for 4' wide concrete sidewalk around splash pad	191.00 Sq/Ft	8.00	0.00	1,528.00
Equipment & Services					
10	Customer Requirement, Conditions and Clarifications for Flow Through Splash Pad: A. Adventure Playground Systems to connect to customer provided water service within 10' of manifold location. Minimum service size 2" line with RPZ backflow preventer B. Adventure Playground Systems to connect to customer provided storm and/or sanitary drain within 10' of manifold location. Applicable codes apply C. Adventure Playground Systems to connect to customer provided 110V 20 amp single phase disconnect with neutral and ground at equipment pad location	0.00 Each	0.00	0.00	0.00
11	Engineering for Splash Pad	1.00 Each	4,788.00	0.00	4,788.00
12	Engineering & Permitting Disclaimer Please note this estimate excludes engineered stamped drawings, permitting services, and fees associated with the city/county permitting department. Adventure Playground Systems offers the services of procuring permitting of said mentioned above for additional costs such as, \$750 permit service fee per structure/splash pad. Costs incurred by the city/county will be paid directly by the customer.	0.00	0.00	0.00	0.00

SKU	Item & Description	Qty	Regular Price	Discount	Amount
	property lines, utility easements, and building lines. A copy of the warranty deed is also required. Adventure Playground Systems is not held accountable for the duration each city/county takes to award or reject permitting. If permitting is required by the city/county and the customer wishes to not proceed with permitting, a waiver will need to be signed.				
13	Travel and Handling	1.00 Each	10,196.00	0.00	10,196.00
14	Bobcat or Equivalent Rental SKU : INST-04 Adventure Playground Systems, Inc. is not liable for damage done by normal construction operations to any existing landscape or natural grass unless it is specified and quoted as a separate line item in this proposal.	1.00 Each	750.00	0.00	750.00
15	Container, Dump Truck, or Equivalent for Removal of Materials SKU : INST-07	2.00 Each	600.00	0.00	1,200.00
16	Terms & Conditions TERMS & CONDITIONS • Orders not subject to cancellation • 55% deposit due with order • Balance due on project completion	0.00	0.00	0.00	0.00
Sub Total					121,583.15
Shipping charge					2,550.00
Adjustment					(-) 2,387.30
Total					\$121,745.85

Payment Notes:

TERMS & CONDITIONS

- Orders not subject to cancellation
- 55% deposit due with order
- Balance due on project completion

Allow 8 weeks for preparation of plans, drawings, and permit submittals, if required, after acceptance of the proposal. The shipping date for manufactured products will be approximately 14 to 17 weeks after approval of submitted documentation, provided that the following conditions have been completed and approved by the customer:

1. Project product submittals reviewed, approved, and returned.
2. Color selection sheet (signed and dated)
3. Physical project address obtained
4. All contact names and phone numbers for the project
5. Exemption certificate (if applicable)
6. Deposit received per agreed payment terms

Allow adequate time for processing and procuring construction permits if required

We strongly recommend that the required fall surfacing be installed under all play and fitness equipment. Choose a safety surface that meets the U.S. Consumer Product Safety Commission recommendations for surfacing under playgrounds.

TERMS & CONDITIONS:

1. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the contract.
2. Changes to the design, color selection, or overall equipment order are not permitted once the order has been placed, unless previously authorized in writing by Adventure Playground Systems, Inc. No returns of merchandise will be accepted unless previously authorized in writing by Adventure Playground Systems, Inc. All returns are subject to a restocking fee of 25% plus freight charges incurred for return to original shipment origination.
3. Ownership Title for all equipment is reserved by Adventure Playground Systems, Inc. until payment in full is received. The right to enter the property and repossess said equipment is hereby granted to Adventure Playground Systems, Inc. if payment is not rendered in accordance with the terms above. All payments made prior to repossession under this contract shall be forfeited to Adventure Playground Systems, Inc. as the cost incurred to procure, provide and recover the equipment. Repossession of product does not waive any damages or costs due as awarded by the courts.
4. All collections or litigation concerning this contract shall be governed by the laws of the State of Texas, with the venue in Harris County.
5. Adventure Playground Systems, Inc. warrants the merchandise on this proposal to the manufacturer's published standards as to material and workmanship. See catalog and/or attached drawings for specific layouts, warranty terms, and specifications.
6. Adventure Playground Systems, Inc. reserves the right to review the contract for final acceptance by management.
7. A service charge of 1.5% per month will be assessed on the outstanding past due balance over 45 days from the completion date.
8. Payments made to Adventure Playground Systems, Inc. by credit card will incur a processing fee of 2.5% percent of the transaction amount paid. Other forms of payment options are available without a processing fee by check, cash, cashier's check, money order, or bank wire transfer.
9. Installation services include all labor and equipment required to complete the job. Installation charges are quoted based on a worksite that is accessible by truck, with no fencing, tree, landscaping, or utility obstacles and level ground surface area (+/- 1-2% max slope). Any site work not expressly detailed in this proposal is excluded. Additional installation charges will incur for unlevel groundwork sites, removal of utilities, landscaping, existing equipment and/or abnormal substrates, (ie. rock, asphalt, landfill, etc.)
10. Price quoted includes Adventure Playground Systems, Inc. standard insurance coverages. Any charges by Adventure Playground Systems, Inc. insurance carrier or agents for adding General Contractor or Owner as additional insured, waivers of subrogation, or changes to standard coverage shall be added to contract invoice charges. No performance bond or payment bond shall be provided by Adventure Playground Systems, Inc. unless specified and quoted as a separate line item in the proposal.
11. Adventure Playground Systems, Inc. is not liable for damages to underground utilities and/or irrigation systems during installation. It is the customer's responsibility to locate all underground utilities unless it is specified and quoted as a separate line item in the proposal.
12. Adventure Playground Systems, Inc. is not liable for damage done by normal construction operations to any existing landscape or natural grass unless it is specified and quoted as a separate line item in this proposal.
13. Building permits required by local or state authorities and municipalities are not included and are the responsibility of the owner of the property unless specified and quoted as a separate line item in the proposal. If Adventure Playground Systems, Inc. is to handle required permitting, please provide our office with necessary drawings and site documentation as requested per the project details (ie. legal site plans, survey plats, deed restrictions, etc).
14. This proposal may be withdrawn by Adventure Playground Systems, Inc. if not accepted within fourteen (14) days of issuance. Pricing is subject to change.

The pricing, specifications, terms, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. If the contract is placed with an attorney for suit or collection through probate, bankruptcy, or other legal proceedings, the customer agrees to pay all expenses and reasonable attorney fees incurred. Any verbal instructions, agreements, or promises are not valid unless written and made part of this contract. I have read, understand and agree to all of the terms and conditions set forth in this proposal.

Authorized Signature: _____

Date Signed: _____

Item #11

DEPT.

REPORTS